

News of the Weird

Public schools can be the venue for strange legal happenings that are both amusing and sad. One piece of advice: Don't let these types of things occur in your district

The term “foul-ups, bleeps, and blunders” is popular due to several television shows of the same name that highlight funny mistakes made by actors while filming TV programs and movies.

But if the highlight reels were collected by K-12 public schools, the results would be both amusing and sad. In the course of 10 months, schools, students, parents, administrators, teachers, and more all manage to mix it up pretty well.

Law is but the means. The result is an odd amalgamation of stories that inspire a paraphrase of William Shakespeare: ‘tis true ‘tis a pity and ‘tis a pity ‘tis true. It has become a tradition for this column to annually highlight the education law news of the weird. This year is no exception. So, without further ado, read ‘em and weep.

Pinching pennies

■ **Buddy, Can You Spare Some Toilet Paper?** Distraught over a tight budget, the Academy of the Americas, a Detroit, Mich., public high school, sent a note home in January asking parents to donate toilet paper, trash bags, light bulbs, and other items. The principal said budget constraints drove the unusual request. Joyce Hayes-Giles, vice president of the Detroit school board, said, “We should never be at that point. That

should never, ever happen.”

■ **Do Ads Subtract from Tests?** A California calculus teacher figured that selling advertising on student exams would add the revenue he needed to succeed. Tom Farber needed to reconcile the fact that he had a \$316-a-year copying budget with the \$500 it took to administer tests and prepare students for the Advanced Placement exam. Thinking creatively, he started selling commercial ad space on tests—\$10 for a quiz, \$20 for a chapter test, and \$30 for a final.

Most were encouraging ads from parents, but others were from businesses, including, according to *USA Today*, a local orthodontist who encouraged students to “Brace Yourself for a Great Semester!” Farber’s principal at Rancho Bernardo High School in the Poway Unified School District approved of the unorthodox fundraising technique, which raised \$455. But, at press time, the superintendent was vowing to probe whether the practice can continue. Legal issues are a consideration.

Pain is not good

■ **Pleading Guilty: Now That’s Using Your Head:** In December, the former president of an Easton, Pa., company that makes football helmets for school districts pleaded guilty to failing to conduct proper tests on the devices. Circle Systems, Inc. is one the largest helmet

“reconditioners” in the U.S.

David Drill, the company’s former president, was held responsible for about 4,000 potentially defective helmets being sent to youth and high school players in 2005 and 2006. The U.S. Attorney also accused Drill of, among other things, submitting hundreds of fake invoices and price quotes, sometimes on competitors’ letterhead. Drill also was accused of bribing school officials with gifts and billing the cost back to schools under the guise of professional services. He also was charged with double-billing, sometimes with the knowledge of the school officials involved.

■ **Court Rejects ‘Boys Will Be Boys’ Defense:** In *Doe v. Brimfield Grade School*, boys in Illinois were engaging in “sac stabbing”—repeatedly hitting other male students in the testicles. In this case, Doe’s parents said the boy was advised to “stick up for himself,” and school officials “essentially told him to toughen up and stop acting like a little girl.”

The parents alleged the harassment was allowed to continue because the 12-year-old student was derided as not “man enough” to stop or accept the punishment. Worse yet, the stabbing inflamed an existing medical condition, causing the boy’s stitches to pop. In April 2008, a U.S. district court said that, under Title IX, letting boys flounder and only protecting girls amounted to illegal gender stereotyping based on images of masculinity.

■ **It Should Be Obvious:** A Mississippi federal court sided with the Tupelo school district after a student was suspended for less than 10 days because she allegedly cut herself intentionally.

As a condition of her return, the school required that she provide a report from a mental health professional, at the family's expense, certifying that she was not a threat to herself or others.

The student claimed the district's response violated her constitutional right to an education. On the contrary, the courts said in *Foster v. Tupelo Public School District*, the school's actions were a reasonable way to protect the safety of school personnel, students, and property.

Parents as partners?

■ **Only Fair—Home Teachers Should Get a Paycheck:** As the saying goes, parents are a child's first teacher. So why shouldn't they get paid accordingly? Idaho Rep. Steven Thayne has proposed that the state pass a law to pay parents who teach their kindergarten children at home. Parents would qualify for the state funding that is saved because the student is not in class—as long as the child can pass a readiness test for first grade.

"Students that do best in school have good parent support," Thayne said of House Bill 25, introduced in the 2009 legislative session. "What I'm trying to establish is a pattern of parental involvement at an early age."

The plan, which would have paid parents an average of \$2,250, likely will not get a legislative hearing this year because of a procedural maneuver.

■ **Giving Thanks for Peace, Love, and Understanding:** Police had to intervene when a heated argument broke out among parents at Condit Elementary School in Claremont, Calif. The problem: whether Thanksgiving costumes could be worn by kindergartners.

The scuffle happened two days before Thanksgiving 2008 when the superintendent forbade the elementary school from following its four decades-old practice of dressing children in construction-paper pilgrim hats and American Indian headdress. The police placed protesters on separate side-

walks. While the adults bickered, the kids played on the playground. One observer said, "The kids were oblivious, as they should be."

Teaching a lesson

■ **When Realistic Lessons Are Not Desirable:** Seeking realism, a white social studies teacher in White Plains, N.Y., taught about slavery by binding the hands and feet of two black girls with tape and having them crawl under the desk to simulate a ship's cargo hold. A complaint from one student's mother and the NAACP quickly followed.

"We encourage our teachers to deliver the curriculum in a variety of ways, to go beyond just reading the textbook," Superintendent Brian Monahan said. "We don't want to discourage creativity. But this obviously went wrong because the student was upset."

■ **A Dress Code with Teeth:** A Texas high school has decided that the clothes some kids wear are practically criminal, and so perhaps they should figuratively walk a mile in a prisoner's jumpsuit. A policy at Gonzales High School requires students who violate the dress code to wear an "inmate-style navy jumpsuit" if they refuse to change their clothes or refuse to attend in-school suspension. Dress code violations include earrings on male students, miniskirts, tank tops, and baggy clothes.

■ **A Bad Democracy Lesson:** Florida's St. Lucie County school board suspended a teacher for a year because she brought a 5-year-old autistic student to the front of the class and let his kindergarten classmates discuss what they did not like about him. The class voted 14-2 to eject the student from the room. A district report on the incident said teacher Wendy Portillo felt if the student heard from his classmates how his behavior affected them, it would "make a bigger difference to him, rather than just hearing it from adults."

Students and creative weapons

■ **Flatulence Busted:** A 13-year-old ju-

nior high school student was arrested in November in Stuart, Fla., for "Disruption of a School Function." The reason: He farted with impunity in school. The Martin County Sheriff's Office incident report said the boy "continually disrupted his classroom environment by breaking wind and turning off classmates' computers" while they were using them. The perpetrator was released to his mother's custody.

■ **A Peanut Butter Assault Is Kind of Nuts:** Police charged a Kentucky eighth-grader with felony wanton endangerment after he placed peanut butter cookie crumbs inside the lunchbox of a highly allergic student. The target of the attack did not eat the cookies, nor did he suffer an allergic reaction. Yet, the peanut exposure could have caused severe injury or even death.

Meanwhile in Washington state, a Wenatchee High School student was criminally charged in October with misdemeanor assault after spreading peanut butter on the forehead of a student with a peanut allergy. When the allergic student warned him against the act, the attacker put more peanut butter on his fingers and again placed it on the victim. The victim and the school system both asked that criminal charges be lodged. The victim did not suffer an allergic reaction.

None of these incidents has a particular preventive lesson to impart. Many are somewhat random. Yet, the odd happenstance can happen anywhere. Principals, teachers, and central office administrators must be ready to deal with the impossibly difficult situation brought on by students, employees, or outsiders. In the process, however, the weird legal foul-ups and blunders can rouse more than a few bleeps. ■

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