

Welcome to 1st Grade – What could possibly go wrong?

- Headlines 2023:
- “Virginia Teacher shot by 6-year-old says admins were warned ‘3 times’ on day of shooting”
- “Horrific! Oral Sex in School Classroom; First-Graders Allegedly Pull 6-Year-Old Girl Under the Desk, Force To Perform Sex Act & Record It As Other Pupils Watched in Texas”



Past headlines

- 2017 – “NJ 1st-graders report playing oral sex game during class — teacher keeps her job”
- 2020 - “What a shock and shame to hear of reports out of Oakland that a second-grader is claiming that her classmates undressed and engaged in oral sex in the classroom. Second grade?? According to news reports, there were two separate incidents and the teacher claims to be unaware of either of them...”

Proactive Steps

- What's next?
- We have several scenarios to help you plan for the next potential headline at your school
- Each example is taken from a current news topic and we will discuss the situation as we know it and highlight opportunities to address the situation.

Major themes to Consider

- Torts and the 3 Ps (Preparation, Presence and Processes).
- Always involves Student & Faculty Safety
- Consider results - Remediation and rehabilitation vs. Punishment and Penalty?
- Future testimony to Judge!



1st Grader shoots teacher at school

- Special needs student - has an "acute disability," was under a care plan that included one of his parents being in class with him every day. The week the shooting happened was the first week neither parent accompanied him in class.
- Three teachers went to the school administration about the boy's behavior and that he was believed to have had a gun on campus.

Discussion

- What presence existed and what should have existed?
- What could school administrators have done differently?
- Potential warning signs?
- What to do in first 30 minutes?
- Had a plan, followed the plan, and reviewing results of the plan

Oral Sex in School Classroom: First-Graders

- Teacher in the classroom has headphones on conducting reading program (required by state)
- While working with other students, a 6 year old allegedly pulled a girl under the desk, force her to perform sex act & recorded it as other pupils watched?
- One parent not notified until next day

Issues



- Why does teacher have headphones?
- What signs were present earlier regarding the male 6 year old student?
- What is happening at home and how did these children learn about oral sex?
- Steps taken to bring parents in (options to address immediately)?
- What to do in the first 30 minutes

High School Coach in Louisiana Accused of Raping Student

- Health teacher and track coach has been placed on leave after being accused of raping a student in a closet at the school.
- Any past signs or reports?
- What if headline was changed to Coach has sex with student at school?
- What actions can schools and school districts implement to avoid similar issues? Discuss

Potential Signs

- Physical displays of affection
- Frequent personal communications
- Sexually suggestive conversations
- Obstructing view of room
- Where are the rooms located on campus
- and how often are they visited or observed
- Drinking with students
- Hot-tubbing with students
- Language



The Sign in this case

- The victim noted that she and Coach had been "communicating via phone for approximately two weeks," but that she had known him for over a year.
- Security footage from the school obtained after the interview showed Coach inside the school's gym with the victim at the time text messages showed he had asked her to meet.

Welcome to 2023-2024 year - New School Club requests to consider

- 1. Young Republicans
- 2. Young Democrats
- 3. Young Socialists
- 4. Young Anarchists
- 5. After School Satanist Club (Headlines “After School Satan Clubs gain popularity amid legal victories”)
- 6. Gay-Straight Alliance Club

Equal Access Act

Recognition of student-led noncurricular groups

- If a federally funded public secondary school allows at least one noncurriculum-related student group to meet on school premises during noninstructional time, it may not deny the same access for similarly situated clubs on the basis of the content of the clubs' speech as it has created a "limited open forum" that triggers the Act's protections.

The Difficulty

- Schools retain authority to ban unlawful groups, maintain discipline and order on school premises, protect the well-being of students and faculty, assure that students' attendance at meetings is voluntary, and restrict groups that materially and substantially interfere with the orderly conduct of educational activities. But the Act does not permit schools to ban groups or suppress student speech based on unpopularity of the message or on unfounded fears that the group may incite violence or disruption. Where the material and substantial interference is caused not by the group itself but by those who oppose the group's formation or message, the disruption will not justify suppressing the group.
- A school may not discriminate against a student group on the basis that allowing access would constitute an endorsement of the group.

Issue – Gay-Straight Alliance & new gender laws being passed?

- How to address federal law that indicates must allow all clubs and state legislation that would broadly ban K-12 public school staff from discussing sexual orientation and gender identity in school and during extracurricular activities “in a manner that deviates from state content standards or curricula developed or approved by the public school governing authority.”



Future Considerations

1. What do you want to tell the judge in two years?
2. Rationale is always learning environment!
3. Talk to your teachers (they are experts).
4. Communicate with parents.
5. Just because law says you can, do you really want to (applies to everything)?
6. Have a process ready to handle situations (who (maybe a 1st responder list), how, and a ready-made media statement).