

***Welcome!***

Ethics Training for  
Educators: Making Sound  
Legal and Ethical  
Decisions

*Overview*

- ✓ Basics of the Law
  - Finding laws
  - Understanding laws
  - Available resources
  - Using a lawyer
- ✓ Understanding Ethics
  - ✓ Less than Honest Behavior
  - ✓ Key Responsibility of Administrators
  - ✓ Leadership Basics



## The Law

*Thoughts on Educators and the Law :*

- People assume you know the law.
- You administer procedures governed by law.
- You are liable for knowing and following the law.
- Even most of our legislators don't know all the laws.
- Educator associations help us understand the law.
- Lawyers are there to help. Use them properly.
- Always do what is right. If you aren't sure...ask.

## *Finding the Law*

[It's easier than finding Nemo]

Educator Associations:  
[ilprincipals.org](http://ilprincipals.org)  
[www.ieanea.org](http://www.ieanea.org)

School Law Firms:  
[www.hlerk.com](http://www.hlerk.com)

State Government:  
[www.ilga.gov/legislation](http://www.ilga.gov/legislation)

## *Lawyer Thoughts*

The following thoughts are from Bennett Rodick. Bennett is a partner at Hodges, Loizzi, Eisenhammer, Rodick, and Kohn. The firm is located at various sites across Illinois, with their main office at 3030 Salt Creek Lane, Suite 202, Arlington Heights, IL 60005. Telephone: 847-670-9000.

Bennett graciously shared these personal thoughts about using school attorneys for this academy.



Hi, I'm Bennett

## *Telephone Calls*

1. Who is authorized to contact the attorneys?
2. Do we use different attorneys for different issues?
3. Does your District's attorney have some form of retainer relationship with the District or are you billed by the minute?
4. Be prepared. Before calling, take a moment to make sure you have the facts and information you need in order to get the most out of the discussion.
5. Does the attorney need to have any documents in advance of your call? If your call relates to a document (IEP, business contract, employee contract, board policy, etc.) get the document(s) to the attorney in advance of the call.

## *Telephone Calls - continued*

6. When you call, state the issue before telling the story behind the issue. (E.g. "I have a special education problem relating to least restrictive environment, here's the facts...."). This will get the call directed to the right attorney and will then allow the attorney to focus on the facts you give in light of your issue.
7. Don't end the call without either an answer or a plan and/or a timeline for getting the answer. Don't leave matters open-ended. Lawyers love to procrastinate.
8. If a deadline for a response passes, call back the attorney. **Remember, they work for you.**

## *Meetings*



- . Do you need an attorney at a meeting? Do a cost/benefit analysis first.
- . If it's worth paying district money for an attorney, it's worth making the issue a priority in your life. Take the time to get the attorney what he/she asks for.
- . Is a pre-meeting necessary to prepare for the meeting itself?

## *Litigation*

1. Let your administrator know of any threatened legal action.
2. Remember - you may be the District's primary contact with legal counsel.
3. Litigation is, at best, a nuisance. You have to be prepared to invest time and effort. Your attorneys cannot defend you by themselves.
4. Meet early with your attorneys to review defense strategy as well as settlement options.
5. Only share information with those you have **been told are to know.**

## *Jim on Lawyers....*

Lawyer jokes are just that, jokes. Most lawyers are there to make your life easier and more sane.

Relationships with lawyers are based on trust. Find a lawyer/firm you trust and be loyal...it pays in the long run.

Work with a firm that knows what they are doing and specializes in it. Most lawyers can write a will but few can handle a special education hearing.

Calling your lawyer is expensive. Not calling them can break the bank and cost you your job.

## *Resources*

*The Power of Ethical Management*

by, Ken Blanchard and Norman V. Peale

*Ethics and the School Administrator*

by, Dan Mahoney

*Becoming a Person of Influence*

by, John Maxwell and Jim Dornan

*The Leadership Pill*

by, Ken Blanchard and Marc Muchnick

*There's No Such Thing as Business Ethics*

By, John C. Maxwell

## *Understanding Ethics*

*Ethics and the School Administrator*

Theoretical

Academic

Philosophical

Confusing

Conflicting

Worth Studying

Helps to Focus on Differences

**LHB** Less than Honest Behavior

*Studies find that administrators ....*

- Lie to protect others
- Fail to intervene on students' behalf to avoid conflict with teachers
- Are dishonest with regard to affirmative action hires
- Are dishonest to protect the organization
- Hide funds to protect them
- Use strategic ambiguity
- Adhere to different standards with minorities

**LHB** - *continued*

- Compromise to avoid conflicts
- Hide bad news
- Claim partial days as full days
- Compromise discipline and policy to avoid conflict with superiors and parents
- Treat students differently to protect them
- Ignore or brake rules to protect students

## *LHB - continued*

“According to decision making theories, people figure out the likely outcomes of various actions and pick the best alternatives in a fairly logical and reasonable way. In other words, lies are planned...lying has been seen as the best alternative to:

1. Protect
2. Avoid Conflicts
3. Carry out the educators' own sense of the greater good.”

**Are LHB really evident?**



Are legal concerns usually evident?



Is it prudent to seek help with difficult issues? And if so, where?



Is there room for  
creativity?

And if so, how?



Can you make a  
difference through  
ethical situations?

## Ethical Decision Check List

1. Is it legal?

Will I be violating either civil law or company policy?

2. Is it balanced?

Is it fair to all concerned in the short term as well as the long term? Does it promote win-win relationships?

3. How will it make me feel about myself?

Will it make me proud? Would I feel good if my decision was published in the newspaper? Would I feel good if my family knew about it?

## *Summary So Far*

- *It is essential to know the law*
- *There is no excuse for not knowing the law*
- *Ethical behavior is anything but easy*
- *Use resources (peers, lawyers, research) to decide*
- *Doing what is right sometimes means making tough, creative decisions*
- *Think, ask, consider ..... Then act.*

***Top Ten List***  
*of suggestions to help*  
*educators stay ethical ....*

- ✓ Know school policy. Know it well.
- ✓ Assume no privacy when using school technology equipment – web, email, etc.
- ✓ Maintain professional boundaries with students and parents in person and on-line.

- ✓ Consider it easier to get rid of a tattoo than a comment you have posted on the web.
- ✓ Remember, “deleted” files can be found.
- ✓ Social Media is scary. Regularly review what you have posted anywhere.
- ✓ Never post anonymously. They can be traced.

- ✓ Don't "friend" students.
- ✓ Never look at a student's phone. Seeing anything inappropriate can get YOU in big trouble.
- ✓ Don't lie. Don't cheat. Don't swear. Don't hit.
- ✓ And one more....If in doubt, get help.

## *Final Ponderings...*

*Smart educators use ethical reasoning to negotiate ethical compromises resulting from the conflicting demands of the populations they serve.*

*One of the scariest things you can hear an attorney say is, "You said what?"*

*Striving for the greater good and respect for persons should be the basis for decision making.*

*Wentworth Miller said that if a movie were made of his life it would be called Increments. Every test, every quiz, every paper adds up to the final grade. In life, everything counts. So do life right and make it count!*

*"Finding Middle Ground in K-12 Education is a great book...outstanding resource for all teachers and administrators."*

Dr. Brad Cabell, President-Elect, Education Law Association

FINDING  
**MIDDLE GROUND**  
IN K-12 EDUCATION

*Balancing Best Practices and the Law*



A Resource for Teachers, Principals, Superintendents,  
and School Board Members

Jim Burgett  
Brian D. Schwartz

Questions? Comments?  
May I help you in anyway?  
Feel free to contact me anytime.

*Jim Burgett*

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