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The Top Ten Things Effective Administrators Do

(from a School Lawyer's Perspective)

**MASA / MOSPRA
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**DIFFERENT
BY DESIGN**

Who Is an Effective Administrator?

- **The Incredibles – Yes, the family is involved in being effective, too!**
- **Iron Man – Can deflect criticism and turn it into an opportunity!**
- **Superman – Can fly from one obligation to the next (no kryptonite)!**
- **Guardian of the Galaxy – Protects the public funds from all attackers!**
- **Spider-Man – Spins a (positive) web that holds the district together!**

Who Is an Effective Administrator?

- **Captain America – Uses goodness and perseverance as an example for success!**
- **Batman – Is a (non-cape-wearing) crusader for public education!**
- **An Avenger – Is a tireless protector of the districts legal interests!**
- **Wonder Woman – Uses personal talents (not unique to either sex) to provide leadership, direction, and goals for the entire school community!**

– With apologies to Marvel Comics, Hollywood, and others who may have protected intellectual property rights regarding these superheroes

What About Real Life Heroes?

- **Successful administrators build on their strengths!**
 - **In current position because of education, training, abilities, and unique qualities**
 - **Learn from others, but do not try to be identical**
 - **“Partner” with others whose strengths intersect with yours (pieces of the puzzle)**
 - **Commitment to learning, growth, and innovation**
 - **Do not be afraid to lead, in your own style, in a manner that works for your school community.**

What About Real Life Heroes?

- **Successful administrators build on their strengths!**
 - **The “people” person v. the “organizer”**
 - **The theatrical approach v. the instructional approach**
 - **The person who is “present” v. the “participant”**
 - **The person who is entertaining v. the person who is empathetic**
 - **The person who can plan v. the person who can do**

What About Real Life Heroes?

- **Successful administrators consult, collaborate, and build consensus!**
 - **No school district is an island unto itself**
 - **Know what is going on with other school districts, and borrow the best ideas**
 - **Share with other districts, and you will reap rewards in return**
 - **Communicate within the district – students, staff, parents, patrons, and others**
 - **Listen, consider, evaluate, and respond**

What About Real Life Heroes?

- **Successful administrators consult, collaborate, and build consensus!**
 - **Be respectful of ideas and in the manner in which decisions are conveyed once they have been reached**
 - **Be visible and available (within practical limitations, of course!)**
 - **Receive input regarding the operation of school district from a variety of sources**
 - **Do not be reluctant to make final decisions – even when the are hard – after engaging in the three “Cs”**

What About Real Life Heroes?

- **Successful administrators document early and often!**
 - **Events – If it isn't written, it didn't happen**
 - **Personnel – If it isn't written, they were not warned and it's not fair**
 - **Students – If it isn't written, they didn't know they were not supposed to do it**
 - **Time – Litigation can cover events going back years; witnesses leave, pass on, or refuse to cooperate; students can sue until they are 23 for many causes of action**

What About Real Life Heroes?

- **Successful administrators document early and often! – Tips (not the \$\$ kind)**
 - **Identify – Why is the incident, date, time, location, name of author, subject missing**
 - **Proofread – Why does it say Johnny did not do the deed, when he is being accused of exactly that?**
 - **Organize – Where are the witness statements and who had them last?**
 - **Redundancy – You mean all of the statements were in Ms. Brown's office and disappeared with Ms. Brown when she quit?**

What About Real Life Heroes?

- **Successful administrators do the hard work of evaluation, remediation, and (if necessary) termination!**
 - **Evaluate early and often**
 - **Document the good, the bad, and the ugly**
 - **Discuss with employee**
 - **Document discussion**
 - **Provide interventions and remediation**
 - **Document interventions and remediation**

What About Real Life Heroes?

- **Successful administrators do the hard work of evaluation, remediation, and (if necessary) termination!**
 - **Are objective in their assessments**
 - **Provide prompt and accurate feedback**
 - **Make decisions based upon performance rather than extraneous criteria**
 - **Act earlier rather than later with respect to unsatisfactory performance**
 - **Prepare for possible termination as a teacher would prepare her lesson plans and quizzes for a test.**

What About Real Life Heroes?

- **Successful administrators administer student discipline pursuant to law and policy!**
 - **Detentions**
 - **In-school suspensions**
 - **Time-out**
 - **Suspensions of 10 days or less**
 - **Suspensions of more than 10 days under the student Code of Conduct**
 - **Expulsion**

What About Real Life Heroes?

- **Successful administrators administer student discipline pursuant to law and policy! (Special categories)**
 - **Students with disabilities**
 - **Mandatory exclusions under Safe Schools Act**
 - **Permissive exclusions under the felony exclusion provision**
 - **Dangerous student provision**
 - **Honoring suspensions and exclusions from other schools**

What About Real Life Heroes?

- **Successful administrators are proactive regarding finance!**
 - **Establish policies and procedures that comply with good accounting practices**
 - **Avoid conflating financial functions**
 - **Redundant review of receipts, expenditures, and record keeping**
 - **Require compliance by all staff in all areas of operation**
 - **Simple proofreading**

What About Real Life Heroes?

- **Successful administrators are proactive regarding finance! (Particular issues)**
 - **Fundraisers – isolated events**
 - **School-sponsored organizations – ongoing accounting for funds**
 - **Cash-based lunch programs – multiple functions performed by single employee**
 - **School-related, but not directly affiliated, organizations – limited supervision and authority**
 - **Separate issue – necessity of maintaining adequate fund balances**

What About Real Life Heroes?

- **Successful administrators are effective public relations representatives!**
 - **PR professionals are not the only ambassadors for the public school district (if one even exists in your district)**
 - **Administrators (unfortunately for you) are essentially “on” 24/7, 366 days a year**
 - **(Leap year – you have an extra day of responsibility! Are you getting a per diem for that?)**
 - **The manner in which you interact with staff, students, parents, patrons, and others sets a particular tone for your building and/or the district**
 - **Being positive, respectful, and professional also helps prevent dreaded litigation (and it should be dreaded)**

What About Real Life Heroes?

- **Successful administrators are effective public relations representatives! (Tips, again, not the \$\$ kind)**
 - **Avoid making “no comment” statements**
 - **Consult with appropriate persons (yes, attorneys are persons, but they are not the only persons) regarding public statements, press releases, and interviews regarding sensitive topics, especially situations that are confidential or that may lead to legal action**
 - **Remember what has contributed to the rise of medical malpractice suits – (you have to attend the presentation to find out what that is and why it is relevant)**
 - **Be “present” in the school community; be a good example for students, staff, and parents; be the kind of administrator you would want your child to have**

What About Real Life Heroes?

- **Successful administrators respond properly to disability issues!**
 - **The ADA, Section 504, the IDEA, and the MHRA affect almost every aspect of the district's operations**
 - **Depending upon the statute and individual situation, the district may be required to provide programming, modifications, accommodations, or other interventions with respect to facilities, instruction, attendance, discipline, transportation, and other facets of the district's functions**
 - **Effective administrators are alert to the possibility of a disability issue and respond properly with disability should be considered**

What About Real Life Heroes?

- **Successful administrators respond properly to disability issues! (Important issues)**
 - **Students with disabilities are subject to rules established under the IDEA and under Section 504 – and those two sets of rules are not identical**
 - **The interplay between the ADA, FMLA, and workers' compensation may result in an employee being absent for what seems like an excessive period of time – with all of that absence being protected, in some cases**
 - **When appropriate, it is important to use the interactive process to obtain information about the nature and duration of the absence, and any reasonable accommodations that may be necessary**
 - **The duty to provide reasonable accommodations is not limited to students and staff**

What About Real Life Heroes?

- **Successful administrators know – and comply with – evolving school law!**
- **Old news (but not to be ignored)**
 - **Teacher termination appeals**
 - **Federal court cases with a moderate standard of proof**
 - **Office of Civil Rights investigations with remedial action and oversight only**
 - **Limited involvement by the United States Department of Justice**
 - **Cheerleaders**

What About Real Life Heroes?

- **Successful administrators know – and comply with – evolving school law!**
 - **Breaking news**
 - **Discrimination lawsuits**
 - **State court cases with a very low standard of proof**
 - **Office of Civil Rights investigations with remedial action, oversight, AND individual monetary relief**
 - **Active involvement by the United States Department of Justice**
 - **Transgender students (various cases proceeding across the country)**

What About Real Life Heroes?

- **Successful administrators know when to call the district's attorney!**
 - **When an event occurs that implicates potential legal liability**
 - **When school officials or personnel are contacted by another attorney**
 - **When the district has received a charge of discrimination from a civil rights agency**
 - **When the district has received an OCR complaint, notice of special education due process, or other student disability claim.**
 - **When your attorney has a boat payment due (jk – I don't even have a boat)**

Quotes from the Crypt

- **I am going to be a superintendent (principal, CFO) just like dear old mom. The old ways are the best.**
- **I don't have to talk to anybody about how to do things right. I consulted with my own brain.**
- **I don't have to write this down now – I have a photographic memory.**
- **She has been here three years, and is the new Board president's daughter. I am not going to give her a negative evaluation now.**
- **I don't care what our policy says, this kid is not getting a hearing. It is a waste of the Board's time!**

Quotes from the Crypt

- **I know the accounts don't balance, and our reserves are 3%. I am not in charge of finance, so that is someone else's problem.**
- **Just tell the media (parents, patrons) I said, "No Comment." Then tell them that curiosity killed the cat, and their tails are looking pretty swishy.**
- **I don't give a royal "care" about the IDEA. This kid is being expelled, and that is the end of it.**
- **I am NOT going to hotline this report of abuse without investigating first! This kid lies like a well-ironed rug.**
- **We are not going to call the lawyer about this report of sexual misconduct! She might make me hotline it!**

Summary

- **Build on your own success**
- **Communicate with others effectively**
- **Document all situations completely**
- **Evaluate personnel thoroughly**
- **Discipline students appropriately**

Summary

- **Supervise finances carefully**
- **Be a proud and professional representative of your school district**
- **Address disability issues promptly and properly**
- **Know and comply with the law**
- **When in doubt, give your attorney a shout!**

Thank you!

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