

Under Pressure: Handling Mental Health Issues

March 25, 2021

Duane Martin & Emily Omohundro



Follow us on social media!



www.edcounsel.law

#edcounsel
#SuPR21

The complex block features a photograph of a smiling woman with blonde hair holding a black smartphone. The phone screen displays the Twitter profile for EdCounsel, LLC (@edcounsellaw). The profile bio reads: "EdCounsel exists to serve people in public education. We served our first public school on January 1, 2014, and now represent over 200 public school districts." Below the bio, it shows "Missouri, USA" and "Joined August 2017". There are 226 followers and 307 following. A tweet is visible with the text: "EdCounsel, LLC @edcoun... Growing MO rural educators is critical for the future of MO education. MARC district HS seniors interested in becoming an educator can apply for the annual MARC...". To the right of the photo, the text "Follow us on social media!" is displayed above three black square icons for Facebook, Twitter, and LinkedIn. Below these icons is the website "www.edcounsel.law" and two hashtags: "#edcounsel" and "#SuPR21".



UNDER PRESSURE: Handling Mental Health Issues

Mental health issues among staff members are becoming increasingly more common, presenting many legal questions about leave, accommodations, and safety concerns.

This session will focus on what the law requires when these matters arise and how to navigate these situations with staff members in the best ways to reduce liability.

Considerations for Administrators

- Handling the immediate issues in the school environment
- Gathering sufficient information to take next steps
- FMLA
- ADA
- Decisions regarding continued employment



Scenario #1

- Your High School ELA teacher, who has worked for the District for seven years, went through a difficult divorce over the summer.
- She confided in her building principal that she has been seeing a therapist and is taking medication for anxiety and depression.
- In the fall, she left her classroom, went to the counselor's office in tears, and explained she wasn't sure she could make it through the rest of the day.
- The HS Principal met with her and let her go home for the remainder of the day.



Scenario #1 (continued)

- In February, during his walk through the building, the HS Principal stopped to observe her class.
- She seemed completely checked out with her chair turned away from the class and appeared to have been crying.
- After class, the HS Principal spoke with her and sent her home for the day again.
- This past weekend, it comes to your attention from a district staff member that she has been posting odd and somewhat morbid things on Facebook, such as: "If today is the day, so be it."
- And, "You're not a bad person for the ways you tried to kill your sadness."
- Your HS Principal is concerned about her well-being, mental health, and her stability around students.



Issues to Consider

- Handling the immediate issues in the school environment
- Gathering sufficient information to take next steps
- FMLA
- ADA
- Decisions regarding continued employment



www.edcounsel.law

Scenario #2

- The first-year middle school Art teacher has struggled with classroom management this school year.
- At your Board meeting in October and again in January, your MS Principal informed the Board that without sufficient improvement in this area, she would be recommending the teacher for nonrenewal in March.
- Two weeks ago, the Art teacher reached out to the MS Principal to request a meeting about his “employment next school year,” and during the meeting, the MS Principal informed the Art teacher, that if she had to make the decision that day, she would be recommending nonrenewal to the Board, and advised the Art teacher to consider looking for positions in other districts.



www.edcounsel.law

Scenario #2 (continued)

- You are notified that this week, during his plan time, the Art teacher was on a personal phone call and a student overheard the call.
- The call was sexually explicit in nature.
- Upon seeing the student in the doorway, the Art teacher begged the student not to tell anyone about what was overheard.
- The student reported the incident to the counselor.
- The next day, the Art teacher called in sick to the building and separately told a colleague that he was “going to check himself into the hospital” because he “wasn’t doing well emotionally.”



Issues to Consider

- Handling the immediate issues in the school environment
- Gathering sufficient information to take next steps
- FMLA
- ADA
- Decisions regarding continued employment



Scenario #3

- A long-time lead custodian in the District witnessed a co-worker fall off of a ladder and die as a result of a head-injury.
- The custodian felt responsible for the accident because she thought she should have been spotting or holding the ladder at the time of the accident and because she was the supervising custodian.
- Afterward, she took two weeks of leave to deal with the trauma, and upon return indicates that she has been diagnosed with PTSD.
- She returns to work but begins to have panic attacks when performing or supervising certain tasks, which requires her to either leave for the day or leave the area/task she should be supervising.



www.edcounsel.law

Issues to Consider

- Handling the immediate issues in the school environment
- Gathering sufficient information to take next steps
- FMLA
- ADA
- Decisions regarding continued employment



www.edcounsel.law

Scenario #4

- A District SLP contracted COVID and required four weeks of leave in order to recover before returning to school.
- When she returned to work, the SLP explained to her building principal that she remains under her doctor's care because she is considered to have "Long COVID" which, she says, can cause fatigue, brain fog, and other symptoms.
- Prior to her illness, she was mildly scatterbrained, but since her return, she has consistently failed to complete tasks on time, has failed to pull students from class in order to receive services, has forgotten to attend IEP meetings, and has failed to complete the paperwork required by her job description, resulting in the District being out of compliance with regard to certain IEPs.



www.edcounsel.law

Issues to Consider

- Handling the immediate issues in the school environment
- Gathering sufficient information to take next steps
- FMLA
- ADA
- Decisions regarding continued employment



www.edcounsel.law