

HOW TO EXERCISE YOUR RIGHTS WHEN YOU HAVE A PROBLEM WITH A PARENT

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School districts and educators around the country are experiencing increasing problems caused by parents who come to schools and cause a disruption. There are many types of disruptions, from "creating a scene" by yelling and screaming, to cursing, to issuing threats, and even committing physical acts against teachers and other school employees. Many parents and visitors believe that they have the unlimited right to appear on school grounds whenever they want and to go wherever they please. This information has been prepared to address concerns associated with this problem.

1. Does a parent, or anyone, have the legal right to enter school grounds?

Yes, a parent or guardian of a student, or anyone else with legitimate business at the school, has the right to enter school grounds. However, school board policy requires parents and visitors to first go to the office. Louisiana law (La. R.S. 17:416.10), states that "no person shall go on public elementary or secondary school grounds or in any public elementary or secondary school building or other school facility as a visitor during school hours without authority of the appropriate school official as provided by rules..." If a parent violates school board policy, the school board has the right to press criminal charges, which can result in a fine and imprisonment.

2. If the school authorizes the parent or visitor to enter the school building, does that mean that they have the right to enter my classroom whenever they want and for whatever reason they want?

No, it does not. Most principals recognize that constant interruptions by parents or visitors disrupt the educational process and do not allow it. If a parent has a complaint against you, the principal should suggest that the parent meet with you at a mutually convenient time but not during instruction.

3. What should I do if a parent harasses me, curses me, threatens me, or actually hits me?

No school employee should be subjected to this under any circumstances whatsoever! If a parent, or anyone, threatens you so that you fear your personal safety is at risk, or actually hits you, you should immediately contact the police and press criminal charges. Years ago, the union succeeded in passing laws that impose stiffer sentences on persons who commit an assault or battery against

teachers and other school employees. If someone threatens you, you should ask the police to charge the offender with violating La. R.S. 14:38.2 (assault on a school teacher). This law applies not only to teachers, but to all school board employees. If someone actually commits a battery on you (that is, intentionally uses any force or violence on you without your consent), you should press charges of "battery of a school teacher," La. R.S. 14:34.3, which also applies to all school employees. Some law enforcement officers aren't familiar with these two laws because they aren't used very often. Politely ask them to consult with their supervisors.

The crimes of "assault" and "battery" are crimes against you personally. Therefore, you have the right to press criminal charges against the perpetrator. Although it is recommended that you inform the school office that you are taking this action, you are not required to obtain their permission. You should personally make the call to the police or sheriff's office.

If the parent (or anyone) has created a disruption at school, they may be guilty of disturbing the peace or other offenses. Those aren't necessarily offenses against you personally, so you should consult with the principal and ask the principal to press charges.

4. Will I be able to obtain a "Peace Bond" or "Restraining Order" prohibiting the parent from coming into any further contact with me?

In most cases, yes. Peace Bonds and Restraining Orders are issued by courts, not by the police or sheriff's office. At your first appearance in court, you should ask the court personnel to assist you with obtaining a Peace Bond or Restraining Order.

5. Is it true that the school board can ban parents from entering school grounds?

Yes it is, under a special Louisiana law that has been used with success in the past. The law is Louisiana Revised Statute 14:63.3. Note: not all school administrators are familiar with this law.

The school district has the right to send a letter to the parent or visitor, forbidding them to enter school property. You have the right to ask the school district to issue such a letter, but you don't have the right to send the letter yourself. If the parent disregards the directive, they may be arrested for trespassing and be subject to both a fine and imprisonment.

The school district and/or the principal have the right to send this type of a letter not only when the parent has committed a crime against you or has disturbed the peace, but also when the parent has engaged in offensive conduct at school, such as by cursing in the presence of students, disrupting the orderly process of instruction, etc.

For further information, if you are a Federation member, call your local Federation office or the LFT.