



Legal Eagles

Embrace the law to improve your leadership.

By Mark Paige

For many principals (new or experienced), the law as it relates to school leadership causes anxiety. You may even harbor some worry about getting sued. Your prior experience and leadership training likely focused on other topics (such as use of data or instructional design), and overlooked or gave only cursory attention to the law. Given the many ways laws impact your work, your feelings are understandable. Here's a sampling of just *some* laws that you will encounter as a principal:

- The First and Fourth Amendments to the Constitution;
- Due process;
- The Individuals with Disabilities Education Act;
- Section 504 of the Rehabilitation Act;
- Collective bargaining agreements;
- Negligence; and
- The Civil Rights Act.

You can't possibly be a master of all of these. After all, you became a principal, not a lawyer. Your objective is to build a positive school culture and provide educational opportunity for all your students.

The “ostrich” approach won’t work; you can’t avoid the law. It’s everywhere. Thus, every principal requires some working knowledge of the law and must be able to navigate it to improve the educational opportunities for students.

Some Good News: The Law Can Be an Ally

There are ways to reduce your anxiety. Consider this: The law can be an asset to your goals as an educational leader rather than a series of traps for the unwary. Here are some guiding principles to frame how you look at the law in relationship to your principalship.

1 *There are certain bedrock principles in the law that school leaders must “know cold.”* Here is an example: Public school students have a right to free speech under the First Amendment. A third grader can wear a hat (assuming hats are allowed in school) that promotes a particular presidential candidate. Some students or parents may object or even feel uncomfortable around the student. However, administrators cannot force the removal of the hat simply because it creates discomfort. And, setting aside any political beliefs, the wearing of the hat may contribute to the culture of the school: This student is taking an active role in our civil society, which is a goal of our education system.

Of course, that student’s rights to expression are not unfettered. Administrators may request that the student remove the hat *if* wearing it becomes a *material and substantial disruption to the learning environment* for others. That’s just one “rule of law” that flows directly from the 1969 case, *Tinker v. Des Moines*, which is still relevant today.

2 *Legal “issue spotting” is one of the most important skills to develop.*

When a certain fact pattern emerges, you can “spot” the legal issues present. For instance, if a teacher complains that a certain medical condition related to her breathing is exacerbated because her classroom does not have air conditioning, what body of law does this issue raise? (Section 504 of the Rehabilitation Act). Once you know the area of law, you can assess your responsibilities and make an appropriate decision. (In this instance, what might be a *reasonable accommodation* for the teacher?) Here, your actions may contribute to your goals as a leader, because by identifying and adhering to Section 504, you are protecting someone’s civil rights. Surely a positive learning environment is promoted when leaders take civil rights seriously.

3 *Effective principals recognize their limits with respect to the law.*

It is true that as a school principal, you are the guardian of the constitutional and civil rights of students, teachers, and parents. That’s an awesome responsibility. But don’t ever feel that leadership requires a decision in every circumstance. When you encounter a complicated situation where your gut is telling you there are legal undercurrents, but you can’t quite put your finger on them, it is OK to seek help. Sometimes, kicking it up to the superintendent is the right course of action. Knowing your limits, asking questions, and seeking guidance demonstrates a quality to foster in a principal, and in students.

Give Law a Chance

You became a principal to help kids. You have developed skills to achieve this goal. And, as you promote your own career development, you will supplement your skills. A better understanding of the law will enhance your leadership capacity and help promote equal educational opportunity in your school. 

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