

What are public school educators' rights?

WHEN YOU ARE ATTACKED OR THREATENED BY A STUDENT OR OTHER PERSON...

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What are an your rights if a student or a parent or any other person threatens you with physical harm, or physically attacks you?

Students and parents punching and threatening to hurt school employees...what a sad and tragic commentary on the times in which we live.

Do you have the right to call the police?

Yes. You are the victim and you have the right to call the police. Federation members may want to call the local union first for advice.

Should you inform the office when you call the police?

We recommend that you do so.

What if the administration tries to discourage you?

Explain that you are the victim and that you wish to exercise your legal rights.

What will the deputy do?

The deputy will ask you questions. They may or may not interview witnesses. You should give details of what the person did and said. If you were the victim of **physical force or violence** against you, ask the deputy to charge the person with "**Battery** of a school teacher." The law is Louisiana Revised Statute 14:34.3. This is a special law that carries increased penalties. If someone made a statement **threatening you** with physical harm, ask the police to charge them with "**Assault** on a school teacher," which is Louisiana Revised Statute 14:38.2. These laws define "teacher" as any school employee, and impose more severe penalties. Federation members should call the union for assistance.

What if the deputy won't charge the person with a crime?

LFT members should call the union for assistance. Ask the deputy for the "Item Number." Be aware that the police will probably not charge a student under ten years old with a crime but may refer the family to "Family in Need of Services."

What happens after the person is arrested?

If the person is arrested or given a summons to appear in court, you will receive a notice to appear at a later date. Be sure to get the Item Number from the police. LFT members should call the union for assistance.

What should you do if the deputy tells you that you are also guilty of a battery because you had physical contact with the child (you took the child by the arm)?

Some types of physical contact constitute criminal battery. But there is a specific Louisiana law (Louisiana Revised Statute 14:18) that states contact may be justified "when the offender's contact is reasonable discipline of minors by their parents, tutors, or teachers." This would be a defense to such a charge if you were simply escorting the student. If the deputy tells you that he or she will charge the student but also charge you, call the union for assistance. This is why we discourage educators from using physical contact because it opens the door to such false accusations. LFT members should call the union for assistance.

If you press criminal charges, and/or if you ask for the child to be suspended, will the student be returned to your school?

Louisiana law prohibits school districts from returning the student to the same school "until all hearings and appeals associated with the alleged violation have been exhausted." That law applies to suspension and expulsion hearings and also to criminal charges. Note: if you press criminal charges, the charge must be either Louisiana Revised Statute 14:34.3 "Battery on a school teacher" or Louisiana Revised Statute 14:38.2 "Assault on a school teacher." This is why we suggest you ask the deputy to use either of those laws.

In the past this was interpreted to mean that as long as discipline or legal proceedings are pending, then the student is not allowed to return to the same school.

The need for such a law is obvious: the potential that the student will take retribution against you or may make false accusations against you, to try to shift the focus from his conduct to you.

But a teacher recently contacted the Sheriff's Office to file a complaint against a student who threatened bodily harm. The deputy issued a summons. The district attorney then referred the student to the "diversion program," which is a very good program, to avoid first offenders from having a criminal record. But in this situation, because the student

was not charged with an offense, the student was returned to the same school and told not to go anywhere near the teacher. Of course, that's not possible, because teachers have yard duty, cafeteria duty, bus duty, etc., and frequent the same hallways as students. It's also very unrealistic. LFT members should call the union for assistance.

Do you also need to complete a discipline referral form?

Yes, if you want the school district to discipline the student. Be sure to clearly describe what occurred (“The student punched me...”) and request specific punishment, such as expulsion, suspension, etc.

Is a parent allowed to return to the school after threatening educators, or creating serious disturbances?

You have the right to ask the School Board to ban the parent from returning to school. Public School Board property is public property. But that doesn't mean that all citizens have the right to enter that property at any time they want to, for whatever reason they want to. There are limitations.

If a parent or other person has disturbed the peace on School Board property, or has committed a battery against someone or made a threat against someone, you have the right to ask the School Board to ban that person from returning under Louisiana Revised Statute 14:63.3. Your first step should be to ask the principal to write a letter to the parent, directing them not to return to the campus. Some principals may not be aware of this law. Suggest that they ask Central Office. If the person returns to school after receiving the letter they can be arrested for trespassing. LFT members should call the union for assistance.

What are my rights if you are injured?

You should complete the Report of Injury form, if you are able to do so. Be sure to clearly state how you were injured (“The student punched me...”) You have the right to go to the doctor, clinic or hospital **of your choice**.

Does the school district have the right to tell you which doctor, clinic or hospital to go to?

The school district has the right to direct you to go to a particular facility for an examination **but you have the right to select the doctor, clinic or physician for your treatment first.**

What are my rights if you are injured or disabled and cannot work?

You have the right to **full salary** without loss of sick leave days for the duration of your injury or disability, provided that there is adequate medical substantiation, if you work in a traditional public school and you are injured or disabled because of an assault (a threat

on your safety) or battery committed by a student or any other person while you are performing official duties. However, you must have written medical substantiation that your injury or disability was caused by the assault or battery.

Are you required to press criminal charges in order to receive full salary?

No.

Is the school board required to compensate you for your pain and suffering?

In most cases, no. They are required to reimburse you for your medical expenses. LFT members should call the union.

Do you have the right to sue the person for money to compensate you for your pain and suffering?

Yes.