

PROFESSIONAL DUTIES



These scenarios cover teacher responsibilities beyond classroom instruction.

Asthma Attack

Bruno is a student in Ms. Roxy's class. Instruction is being conducted virtually. In the course of one class period, Ms. Roxy notices that Bruno is struggling to breathe. She is aware that Bruno has a medical condition and it is apparent he is having an asthma attack.

Questions for discussion:

- › How should Ms. Roxy respond?

USER'S GUIDE: Asthma Attack

Here's how we see it:

- › Bruno has a disclosed medical condition and he is at risk. Ms. Roxy should try to talk to Bruno alone, then try to reach out to his parents or guardian. If unable to gain timely access, Ms. Roxy should dial 911 if Bruno continues to suffer.
- › The same course of action should be taken even if Bruno's condition is undisclosed. He is at risk.

For further discussion:

- › Would Ms. Roxy's decision be any different if Bruno's attack had taken place in person?

Unintended consequences:

- › If Ms. Roxy does not act, Bruno could suffer harm in terms of his personal health.

Calling for Student Pick-up

Ms. Checkers has weekly bus duty at Shiloh Elementary School. A few times during the week, she notices that Autumn, age 12, has not been picked up in a timely manner. Some days the pickup is a few minutes late, some days very late. It is Friday, and it is 45 minutes after all students should have been picked up. Autumn is still there, all alone, and Ms. Checkers is getting concerned.

Ms. Checkers accesses Autumn's student file and makes a call. Someone answers and says that they cannot pick up Autumn but gives Ms. Checkers another number to call to see if that person can pick her up. That phone number is not listed in Autumn's student file.

Questions for discussion:

- › Should Ms. Checkers call the new number she was given? Why or why not?
- › What other actions can Ms. Checkers take?
- › Could Ms. Checkers ask Autumn whom to call?

USER'S GUIDE: Calling for Student Pick-up

Here's how we see it:

- › Ms. Checkers should ask who this number is for and check the student file for whether this person is a “parent who has legal custody”. If the person is a parent who has legal custody according to the contact sheet, Ms. Checkers can likely call them. It is the school's responsibility to maintain up-to-date contact sheets, and they must be diligent in their keeping of these records. In this case, if a bad actor (e.g., a family member who meant Autumn harm) called the school and requested that they be added to the emergency contact form, there is the serious potential for harm if the school fails to authenticate this information.
- › There needs to be clear delineation of procedures that both protect the student's privacy and ensures the student is not placed in harm. Ms. Checkers should seek guidance from administration on how to proceed as schools and districts have differing policies. Some schools may allow the release of a student, without written parent consent, to a stepparent with whom the child resides. Some schools may allow release of the child to contacts on an Emergency Care Information form. Again, Ms. Checkers should seek guidance from her administration and should not ask the student or rely on information from the student.

For further discussion:

- › How do you balance helping the student and having the needed information?
- › Should she talk to Autumn to see if there are some issues at home?

Unintended consequences:

- › Ms. Checkers has no idea whose number she was given and what relationship the person has to the student. Calling this number and asking them to pick up Autumn could put Autumn in danger and could also break trust with Autumn's legal guardian.

Contagious?

Mrs. Boss is a teacher at Grey Elementary School. She sees symptoms in one of her students, Opie, that she thinks may be the measles. Mrs. Boss knows that some parents in the school have chosen not to have their children vaccinated, so she thinks it may be possible that Opie has not been vaccinated. She wants to find out, but she doesn't have access to Opie's vaccination records. Further, Mrs. Boss knows she doesn't have any medical training and she might be wrong.

Questions for discussion:

- › What should Mrs. Boss do?
- › What data can she access about Opie's health?

USER'S GUIDE: Contagious?

Here's how we see it:

- Mrs. Boss should consult with the school nurse about this issue. Nurses generally have access to student vaccination records and, based on an initial diagnosis, could then recommend a course of action to the family. Depending on state law and district policy, Mrs. Boss may or may not be able to access these records. In this case, Mrs. Boss doesn't really need access to the records; all she needs to do is to flag for the school nurse and/or school administrators if she thinks a student may have measles symptoms.
- The nurse or school administrators may not be legally able to tell Mrs. Boss whether the student has been vaccinated and may not be able to tell her the final resolution with the family but can then keep her updated as much as legally possible.
- Mrs. Boss could also consult with the family. It is within her rights to call the student's caregiver if she has any concerns about the student. However, she does not have enough medical information and the conversation may not go as well as it might with the nurse.

For further discussion:

- What do you think would happen if Mrs. Boss went straight to the student's parent or guardian with his concern?

Unintended consequences:

- If left unattended, the entire school population would be at risk for contracting measles.
- Mrs. Boss should not disclose her suspicion to anyone but the necessary personnel, as this can lead to gossiping, further false information, and harm the student and the family.

Disposing of Student Work

Ms. Dallas has a stack of a variety of homework assignments that students have handed in. She wants to dispose of them.

Questions for discussion:

- › What are Ms. Dallas's options for disposing of the assignments?
- › What harm could come to the students if Ms. Dallas incorrectly disposes of the assignments?

USER'S GUIDE: Disposing of Student Work

Here's how we see it:

- Ms. Dallas could give them back to the students. It is valuable for students to see feedback about their work. Ms. Dallas needs to be careful that students are not handed another student's work.
- Ms. Dallas should not simply dispose of student work with their names on it. Precautions must be taken. Ms. Dallas should not put them in a recycling or trash bin, either at school or at home. Doing so could allow anyone to access the students' work. Assuming there is not a need to give them back to the students, Ms. Dallas could shred these papers in a cross-cut shredder. This is a safe way to dispose of student work.
- Teachers should ask their school administration if the school has recommended methods available to help teachers and staff safely dispose of assignments and other protected materials. Most states have laws that define "confidential destruction".
- These graded assignments are part of the student's education record and are legally protected by FERPA. Thus, teachers must ensure that they are not exposing students' graded work to others.

For further discussion:

- Does it matter if the assignments:
 - Are high stakes tests such as state achievement tests?
 - Are teacher-written?
 - Have grades written on them?
 - Have student names on them?
 - Are from elementary, middle, or high school?

Unintended consequences:

- There is potential harm if Ms. Dallas disposes of student papers with their names on them in a public location where students, other educators, or almost anyone might find them. The fact that there are names on the papers is a problematic issue. Disposal must be done properly with appropriate protections.
- The potential harm to the students involves someone else seeing their work. This may not matter to some students or in certain situations but in others, it could cause shame or embarrassment. For example, a student may be embarrassed by their grade and not want other students to see it. Another example might be that the student work is passed around or shared on social media leading to bullying or stigmatization.
- Unauthorized disclosure of student education records is a violation of FERPA.

Free Lunch Eligibility

Mr. Dusty is a teacher working cafeteria duty and notices that Rex has not had any lunch all week long. Rex just sits at the table while his classmates eat. Sometimes some of the students may share their food with Rex. He does not look happy. Based on a conversation with the food services director, Mr. Caleb, Mr. Dusty finds out that Rex's family qualifies for free and reduced lunch, yet they have not applied.

Questions for discussion:

- › Does Mr. Dusty have legal access to free and reduced lunch data rosters?
- › Should Mr. Caleb have discussed Rex's lunch status with Mr. Dusty?

USER'S GUIDE: Free Lunch Eligibility

Here's how we see it:

- › Under the National School Lunch Act (NSLA), only people who need to know a student's free and reduced lunch status to administer or enforce the program can receive that information without parental consent. The NSLA is much stricter than FERPA in terms of who information can be shared with and has severe penalties that apply when information is shared inappropriately. Mr. Dusty did not need to know this information as part of his cafeteria duty, and therefore he should not have access to that information, and Mr. Caleb should not have discussed Rex's status with Mr. Dusty.
- › However, there is nothing stopping Mr. Dusty from reporting his observations about Rex to Mr. Caleb or other school administrators who legitimately have access to free and reduced price lunch status information, and then they could have discovered that Rex's family is eligible to apply.

For further discussion:

- › What are the ethical and privacy implications beyond the requirements of the NSLA of Mr. Caleb sharing Rex's status?
- › How could having this information be more widely available to school staff harm student privacy?

Unintended consequences:

- › Sharing student's free and reduced lunch status to unauthorized persons violates NSLA and can result in severe penalties.

Mandated Reporter

While teaching her virtual class one day, Mrs. Jilly hears two adults yelling in the background of Zoey's home, one of her students. As Mrs. Jilly goes to mute this student's audio, she sees through the student's camera an adult hit another adult who Mrs. Jilly believes to be the parents.

Questions for discussion:

- How should Mrs. Jilly respond?

USER'S GUIDE: Mandated Reporter

Here's how we see it:

- › All teachers are mandated reporters meaning teachers are required by law to report suspicions of child physical or sexual abuse or neglect. Mandated reporters must report when they know or suspect that a child is being exposed to domestic violence, or other dangerous situations such as being abused or neglected. Mrs. Jilly must report this incident to the school's relevant department of family and child services. It is also advised she speak with her counselor and administrator about the situation.
- › Mrs. Jilly should be sure to include all relevant information, including important context. This includes that the observation was made through a virtual class environment and that she is not certain if the two adults in the incident are Zoe's parents.
- › With the use of video classrooms, Mrs. Jilly is able to see more intimate details of students' home situations and day to day lives that were not always revealed during in person learning. Schools, teachers, parents/caretakers, and students need to be aware that school staff are mandated reporters under law and have to report suspicions of child physical or sexual abuse or neglect, even when these suspicions arise from what teachers can see during virtual classrooms.

For further discussion:

- › What if Zoey's camera were off, and Mrs. Jilly could only hear yelling but not see what was happening?
- › Does it make a difference that Mrs. Jilly sees the abuse to an adult as opposed to Zoey?

Unintended consequences:

- › Zoey appears to be living in a household with domestic abuse.
- › Most likely, the entire class has seen this incident through the virtual class.

Mentor Teacher Virtual Classroom Observation

Chapparral High School has a mentor teacher program, where veteran teachers of the high school provide feedback and assistance to first year teachers. In a virtual setting, the mentor teachers pop into the virtual classes to “observe” their respective mentee teachers or they review virtual recordings of classes. Ms. Hershey, a mentor teacher, sends a request to her mentee teacher Mrs. Rodriguez to debrief about her math lesson earlier that week. Mrs. Rodriguez had not noticed that Ms. Hershey had entered into her virtual classroom during that lesson. Mrs. Rodriguez was surprised and felt somewhat threatened.

Questions for discussion:

- › What are the privacy concerns for Mrs. Rodriguez to consider here?
- › What are the privacy concerns for Ms. Hershey?
- › Are there differences in terms of privacy concerns if the mentor teacher popped into in person classes as opposed to viewing virtual recordings?

USER'S GUIDE: Mentor Teacher Virtual Classroom Observation

Here's how we see it:

- › Teacher mentor programs are an important training practice for schools and teacher development and can still be incredibly useful during virtual learning. Because Mrs. Rodriguez was not aware of the informal observation taking place, this can feel like an intrusion and a violation of the sanctity of her classroom. It also has the possibility of hurting their mentor-mentee relationship. In a real classroom, teachers can see when others come in and observe. For future informal observations, Ms. Hershey should consider scheduling them with Mrs. Rodriguez, give communication prior to joining the lesson, or at the very least introduce herself when joining.

For further discussion:

- › Would the situation be different if Ms. Hershey had informed Mrs. Rodriguez of her impending arrival prior to their entrance into the virtual class?
- › Are there any violations to FERPA?
- › Are there threats to student privacy here?
- › Does this feel like legitimate observations or micromanaging of teachers?

Unintended consequences:

- › The teachers may feel violated by not being aware they are being observed.

Potential Hidden Message in Student Artwork

Ms. Jones shows her 3rd grade art students how to use an embedded simple paint software on their school issued laptops. She assigns them the drawing prompt: how I spent the weekend. Students turn in their images through the school's learning management system. When she reviews Juan's assignment, she sees that he has drawn a disturbing image of a big person punching a smaller person.

Questions for discussion:

- › What should Ms. Jones do?
- › Whom should she contact?
- › Should she do more investigating or should she report the issue to child protective services?

USER'S GUIDE: Potential Hidden Message in Student Artwork

Here's how we see it:

- › Ms. Jones could follow up with Juan to discuss what this photo is reflecting. It could be something harmless, such as a drawing of a movie he watched, or it could be much more serious and reflect himself getting harmed. In this case, Ms. Jones should discuss with the school counselor or principal.
- › Ms. Jones could consider raising the issue with Juan's parents/caretakers after consulting with school authorities.
- › If through her discussions Ms. Jones suspects child abuse, as a mandatory reporter she should contact the relevant department of family and child services.

For further discussion:

- › What issues are raised if the students could see each other's uploaded images, and therefore saw Juan's image?

Unintended consequences:

- › By asking about students' weekend, Juan may have drawn a very sensitive and dangerous incident that he experienced, if the drawing does indeed reflect child abuse. Ms. Jones must be prepared to seek out more information and respond appropriately.
- › Reporting this incident to family and child services can result in a social worker or even police officer visiting the home. This would be incredibly harmful if the image Juan drew was harmless and misinterpreted by Ms. Jones.

Recording Attendance at End of Day

Teachers at Frazier High School are required to report daily attendance data for homeroom and class periods each week. Many of the teachers find that taking attendance is a tedious practice. They know it is necessary. Mrs. Houdi is an administrator and has seen some teachers filling in a day's worth of data at the end of the day or even the next day rather. Some of the Frazier parents/caretakers have challenged the accuracy of the attendance data, insisting that their children have not been absent when the records show they were.

Questions for discussion:

- › What are the risks of teachers delaying the collection of attendance data?
- › Are the teachers within their rights to do this data collection in a delayed manner?
- › What are the consequences for parents and students if attendance is not reported accurately?

USER'S GUIDE: Recording Attendance at End of Day

Here's how we see it:

- › Reporting of attendance data is complicated as noted in the National Center for Education Statistics (NCES) Forum Guide about attendance data. Absence and attendance can have varying definitions depending on the reporting.
- › It is essential that the recording and reporting of attendance be done with accuracy in a timely manner. Under FERPA, parents have the right to inspect and correct attendance records with the appropriate documentation, as these are defined as education records.
- › There are consequences for the students whose attendance is not reported accurately.

For further discussion:

- › Can teachers rely on their memories to report these data?
- › Why is having accurate data so important here?
- › What happens if a student comes late after attendance is taken? Or if a student leaves after attendance is taken?
- › How does tardiness factor in there?
- › What counts as attendance?

Unintended consequences:

- › Students can be negatively impacted by not having their attendance and absences recorded accurately. Their permanent records will be impacted in negative ways.
- › There are very real consequences for having such inaccuracies in the data for the student, parent, and school.
- › There are also legal consequences for such inaccuracies.

Stranded Student

Mr. Remi is a teacher at Frazier Middle School. He notices that Sophie has not been picked up and it is getting late. He first calls Sophie's mother, who is the primary contact number, but there is no answer. Mr. Remi calls the second number, Sophie's father, who answers. They make arrangements for Sophie's mother to pick her up. Later, Mr. Remi learns that there is a restraining order against Sophie's father. The school was aware of this restraining order, but Mr. Remi did not have access to that information. Further, the contact sheet he had did not reflect that status.

Questions for discussion:

- Did Mr. Remi act appropriately?
- Should there be changes made as a result of this situation? If so, what?

USER'S GUIDE: Stranded Student

Here's how we see it:

- Mr. Remi did nothing wrong. The school is responsible for situations such as this one. In this case, the school failed to note the restraining order and gave Mr. Remi the incorrect information. This situation turned out well, but even if Sophie's father had violated the restraining order by picking her up, Mr. Remi still would not be responsible.
- There needs to be a determination of responsibility for communicating important information to relevant staff. School officials need to ensure that staff interacting with a student such as Sophie have the needed information to protect her.

For further discussion:

- This situation ended well. How might it have gone poorly? And who would have been responsible?

Unintended consequences:

- Out of date contact lists can result in unauthorized persons picking up students.
- When there is a restraining order, the student in question can be placed in imminent danger.

Substitute Teacher Access

Mr. Hutch is a substitute teacher at Beauregard High School. He is given teachers' lesson plans for the classes in which he is a substitute. He is also given passwords and access to teachers' computers so that he can take attendance and log student performance in electronic grade books.

Questions for discussion:

- › Is it okay for the school and the teacher to provide access to the lesson plans?
- › Is it appropriate for Mr. Hutch to have access to the teachers' computers and files?

USER'S GUIDE: Substitute Teacher Access

Here's how we see it:

- › Substitutes are proxies for regular teachers and therefore have a legitimate educational interest for accessing lesson plans, reporting attendance, and logging student performance. It is up to the district to determine whether a substitute has access to this information and provide appropriate security controls.
- › Generally, teachers should not provide their login credentials to others, including substitute teachers, because this would give access to much more data than just those named in the scenario.

For further discussion:

- › As a teacher, do you feel it is important for substitutes to have access to grades and other sensitive information?

Unintended consequences:

- › There is harm if Mr. Hutch has access to much more data and information than the teacher intends. Mr. Hutch could accidentally or purposefully alter, delete, or even share student information.

Teacher Evaluation

At Hennessey Middle School, the principal, Ms. Violet, makes an appointment with one of her teachers, Mrs. Rose, to conduct her quarterly evaluation. Mrs. Rose, like many teachers, has been challenged by conducting instruction virtually. It is even more challenging for Mrs. Rose because she teaches science which typically has hands-on activities. Mrs. Rose has struggled to modify her lesson plans and instruction to adapt to the virtual environment. She is very concerned that she will not look good in front of Ms. Violet and that her typically stellar evaluation ratings will suffer.

Questions for discussion:

- Are there any issues with this situation?
- Are there any reasons to be concerned about the protection of privacy for the students and for Mrs. Rose?

USER'S GUIDE: Teacher Evaluation

Here's how we see it:

- › Classroom observations are standard practice and schools are continuing this practice in a virtual setting. However, with virtual learning, Ms. Violet may observe things about students previously not possible in an in-person setting. The school will decide how administration will interact with students during a classroom observation.
- › Ms. Violet has also provided advance notice to Mrs. Rose about the forthcoming observation to aid Mrs. Rose in her preparations for the observation.

For further discussion:

- › What if Ms. Violet did not alert Mrs. Rose to the forthcoming observation? Would that make any difference?
- › What if Ms. Violet observes some things that students were doing at home that were problematic or were beyond the scope of the evaluation?

Tracking Attendance During Remote Learning

The Shea School District instituted new policies in the wake of the pandemic to collect attendance data. All educators have been struggling to obtain accurate data about student attendance while conducting virtual instruction. Mr. Bartlett and Ms. Tatum have been worried about getting accurate counts of their students. Some students have their cameras on and others do not. Some students may be “in attendance” for the entire class time, whereas others may go missing at various points in time. The school has advised teachers to use student login data from the learning management system (LMS) to track attendance. Yet there is no real way for teachers like Mr. Bartlett and Ms. Tatum to know if it is actually the specific students who are logged into the LMS and not someone else.

Questions for discussion:

- › Can a LMS provide accurate attendance data?
- › Is the use of time in the LMS not only a valid indicator of attendance but also an appropriate use of the data?
- › Are there privacy concerns about using LMS data or on-camera data for attendance indicators?

USER'S GUIDE: Tracking Attendance During Remote Learning

Here's how we see it:

- Having accurate attendance data is a part of compliance and accountability data for a district. Getting it right is important.
- The district is making an assumption that the student on the LMS is the student of record. This assumption has the potential of being inaccurate as it is possible that when students first log into their LMS, they remain logged in for a long period of time. There also needs to be protections so that students are only able to log into their own account in the LMS.
- Furthermore, an LMS may not track student logins from phone or tablet devices. This would mean students using these types of devices would have absences falsely reported.

For further discussion:

- What if someone else is on the LMS and not the student?
- How can the teacher ensure or determine if it is the real student who is logged into the LMS?
- What are the ramifications if it is the wrong student?

Unintended consequences:

- Potential harm can occur if a student's attendance is not accurately recorded. In this situation, using LMS login data to track attendance will disproportionately harm students who are using a table or phone device.
- There is potential harm for the school and district as well for inaccurate attendance data.
- The validity of attendance as a data element is in question and could be impactful for district funding if recorded inaccurately.

Virtual IEP Meetings

Nugget Elementary School has been holding IEP meetings virtually to carry out normal school activities during the COVID-19 lockdown. Such meetings involve bringing various educational specialists together with a student's parents or guardians to make determinations about the IEP status and processes. As in an in-person meeting, the goal of an IEP meeting is to determine best practices for the particular student. In one meeting, however, the special education teacher, Mr. Sammy notices that there is an unknown individual out of camera range in the parent's home. Keeping in mind that the information being discussed is sensitive in nature, Mr. Sammy asks who the person is. As it turns out, the person is a family friend.

Questions for discussion:

- What should Mr. Sammy or the IEP team do, given that there is someone else within earshot of the conversation?
- Should the meeting continue and not worry about the additional presence or should the team request that the individual be asked to leave the room?

USER'S GUIDE: Virtual IEP Meetings

Here's how we see it:

- › Discussing sensitive content such as those in an IEP should only be done with the relevant parties there, not with extraneous persons, even if they are a family friend.
- › IEP teams have strict guidelines about the data they review and the composition of team members.
- › The IEP team should request that only the legal guardians be present for this meeting.

For further discussion:

- › What if the extra person was a family member? Would that make any difference?
- › What if the extra person had professional training and was there to support the parents or guardian as an advocate?

Unintended consequences:

- › IEP teams often cover highly sensitive material about a student that should not be discussed in public. There are strict requirements on who is allowed in the room during IEP meetings to protect the student's privacy and autonomy.

Worrying Signs in Student Essay

Mrs. Sammy is an AP teacher at Kapuki High School. Mrs. Sammy prides herself in knowing her students academically and personally. She takes a real personal interest in her students and helps them prepare for the college application process. Mrs. Sammy is working with Niko, who is a very promising student. Niko writes an essay for Mrs. Sammy's AP English class in which he describes how his parents are putting extreme pressure on him to apply to and get accepted by the most prestigious and competitive universities. In the essay, there are subtle cues that Niko might do something harmful to himself because of the pressure. Mrs. Sammy is unsure but does not have a good feeling about it. Mrs. Sammy knows that Niko already has several extracurricular activities, works a job, tutors other students, and still manages excellent grades.

Questions for discussion:

- › What data would be helpful and what data does Mrs. Sammy have access to that might help her to better understand the situation?
- › Is an essay a sufficient form of data to take action about Niko?
- › Who should Mrs. Sammy consider sharing her concerns with?

USER'S GUIDE: Worrying Signs in Student Essay

Here's how we see it:

- If there is credible evidence that Niko is buckling under the pressure and may be in imminent danger of harming himself, Mrs. Sammy must report it. Each school has different policies about how to report potential self-harm or a mental health crisis, and she can ask school administrators to provide those policies.
- However, students confide sensitive information to their teachers all the time when they trust them, and it can be a valuable way for those students to relieve stress in a safe, structured way. Mrs. Sammy should carefully consider what Niko has disclosed in the essay, and determine whether it warrants reporting (and her potentially losing Niko's trust if he thinks about "doing something" in the future) - or whether it is better for her to have a conversation directly with Niko about her concerns. Mrs. Sammy could also seek to have an indirect intervention in collaboration with school counselors or a school crisis intervention team, where perhaps time is spent teaching students stress-management skills that could relieve Niko's pressure.
- Referring Niko to a school counselor might be a way to get him the help he needs without making him think that he can't safely disclose information to Mrs. Sammy directly or indirectly.
- Mrs. Sammy may also want to consider disclosing information to Niko's parents/caretakers, but should take this step in consultation with other school officials, like a school counselor. If Niko is over the age of 18, then Niko may have to give consent to disclose this information to his parents. Mrs. Sammy should seek guidance from administration here. In this situation, at least some of the pressure is caused by his parents. Sometimes, reporting that their child is overwhelmed can cause parents to be more understanding, but it can also lead to more pressure or abuse.
- There is no crystal ball with the right answer in these situations. All a teacher can do is carefully consider the context and the likely urgency of the situation, and then act on those observations. School counselors and administrators are often invaluable in helping teachers make these difficult decisions.

For further discussion:

- What sorts of evidence can you imagine may be warning signs about a student who may be at risk?

Unintended consequences:

- Sharing Niko's essay and Mrs. Sammy's concerns with other people (administration, counselor, Niko's parents) may break Niko's trust with his teacher and make him feel as though he has no one to confide in.
- Schools have protocols and policies to ensure the safety of students. But reporting concerns with the essay may result in a disproportionate and harmful response by the school.