

Administrator Interview- Dr. Randy Refsland

November 11, 2013

The interview was done with the superintendent of the Clinton Community School District. He has been a superintendent for three years in our districts, but was a high school principal for over 10 years before that. He came to administration later in his career, after teaching for about 18 years. He was a president and vice president of his school districts teacher union while a teacher, which he said helped him a great deal as an administrator. This interview was recorded using my live scribe pen. The recording has been saved with my files. The answers to the questions that were asked and the answers that were given during the interview are below.

1. What is your general perspective on school law? Does it seem to play a large part in your day-to-day work, or is it more in the background?
 - a. It does play a large role.
 - b. Truancy
 - c. Search and seizure
 - d. Freedom of Speech
 - e. Interacting with police, with truancy
 - f. Municipal law, state law, federal law,
 - g. Title 1 and Title 9
2. In regards to school law, where do you find the most common issues among: Teachers questions/concerns, parent questions/concerns, student matters, the district's role as an employer, the school board, concerns facing administrators in the district?
 - a. With teachers, not a lot.
 - b. Parents all of the time. When having a dog search, a parent came in and was upset because the student was brought in for questioning. They frightened the girl. The courts have been pretty clear about the matter and administrators can do that. If the dogs triggered on something, the principal has a right to question the student.
 - c. Districts role as an employer- Questions on an interview that can't be asked by the interviewers. Like are you married, where do you live, are you gay? The first question he asks is "tell me about yourself," most people will tell you a lot of information. You also need to know laws about laying someone off. Non renewal. Principals need to know the laws for these areas.
 - d. Constantly having to explain things to parents and school board members that have to do with the law.
 - e. Concerns facing admin- You will always have parents that complain when there is a dog search. Also every time you bring students in to be questioned by a police officer. Parents are protective of their kids. Some are overly protective and they try to save their kid.
 - f. There is not a single day, that he doesn't think about law.
3. If you are in a situation that could potentially lead to a lawsuit can you describe the process you go through to prepare for potential legal concerns?

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- a. You deal with it. That is why you have liability insurance and legal counsel available. You share information with the legal counsel, everything, and you have to be transparent. If there is a discovery motion or open records request, you comply.
4. What types of legal resources do you keep on hand to reference?
 - a. After being a veteran administrator, Refsland doesn't need to reference law much anymore because he knows the laws he deals with on a day to day basis well enough. When he started, though, he said he had a great text book that he referenced often. He was looking at state statutes. He also would call up the superintendent and ask. Stuff he deals with on a regular basis, he doesn't need to check on.
5. How do you stay current on legal issues?
 - a. He talked about going to summer law conferences, mailings from WASDA, and their attorney group that put on educational law workshops. But he tries to use the free stuff first.
 - b. Randy goes to two legal conferences per year like clockwork to stay current on issues. The two conferences are from their legal firm and WASDA. They get mailings from the School Board Association, our association and from their attorneys. They also get updates from NEOLA.
6. What role does a professional network of colleagues outside of the district play in your ability to stay current on and work through legal issues?
 - a. The superintendents talk to each other and make connections. He does, it's important to do that.
7. What are some examples of the most pressing issues facing public schools today that involve a legal component? What is your perspective on these issues? EXAMPLE: What is the best way to handle bullying and harassment by students issues in a school? When you think of bullying, do you think of it more from a legal perspective, or more from a learning and relationships perspective?
 - a. With teachers, contractually there is a huge issue after ACT 10.
 - b. You have to take bullying safety.
 - c. School safety issues are huge. And they are a legal issue!
 - d. It boils down to good policy. If you follow policy, and your policy is in line with state and federal law, then you have done everything you can do.
 - e. He said he has to think of bullying from a legal perspective. What do they have to do to be in compliance with state statutes. People never leave the equation, but you have to start with the law to make sure you are in compliance.
8. What changes to school law do you think would benefit public schools? Have you ever had to say "No" to an innovative idea or to something the school board really wanted to do because of legal concerns?
 - a. He has said no to things. Just because the law says you have to do something, doesn't always mean you have to do it. For example: Leif Erickson day should be observed everyone. We don't do it.
 - b. Why 180 days? Why is September 1st the school start date?

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9. If you are able to share on, what is an example of a challenging legal issue that you have had to deal with? Did it lead to a law suit or other formal legal proceeding?
 10. Do you ever worry about being sued and have you ever been sued as a result of being an administrator? How did the process work? Did you feel like you had adequate support/protection from liability insurance and from laws dealing with, e.g., indemnification by the district?
 - a. When you first get to administration and the first time you hear a parent say they are going to get their lawyer, it frightens you. But the reality is, which his veteran principal at the time told him, is that 99% of the time you will never hear from a lawyer. He has lost track of how many times he has been threatened and only been contacted twice by a lawyer. When he was contacted, he simply gave the name of the school district lawyer and told him to contact them.
 11. When you identify a challenging situation or issue that has a legal aspect, what process steps or strategies do you try to follow?
 12. Does the school district include a budget line for legal services?
 - a. Refsland said he does, though they are not used that often. He is dealing with an issue right now where he is in contact with a lawyer, but that is only the second time in three years he has had to work with one.
 13. Have you ever had to “back-off” questioning and investigating and/or punishment because of possible legal ramifications in a student or employment matter?
 14. What advice can you give future administrators when it involves the legal aspects of administration? Upon taking a first job as a school principal, what kind of “orientation” should a principal get on how to handle legal issues in his/her particular school?
 - a. Know your school district policy. Know how to access it. Start with the basic policy. Know your school handbook. That is the most basic laws that you have to use.
 - b. How have things been handled here in the past? What are past practices with attendance, drug busts? Do you want cops in the building? Some districts don't.
 - c. He likes to issue disorderly conducts to students that get in fights because they get a fine and it will show the rest of the school that fights will not be tolerated.
 - d. Develop a relationship with the police liaison to the school district.
 - e. Most of the time, the superintendent doesn't want the principal making contacts with the school attorney. Figure out if that is what the superintendent expects.
- Policy and procedure are two different things. Good policy is short and doesn't include specific names, dates, and times. Those details should be included in a procedure manual which Clinton is currently working towards. Procedures can be changed by administrators or athletic directors, but policy has to be taken before the school board and voted on for a change.
 - We have to follow policy. If we don't like the policy, then we need to change the policy. You are never in trouble if you follow policy. Courts might say the policy is flawed, but they would not find you liable.
 - Burden of proof for school officials is far less than it is for the police. You just have to have reasonable suspicion. He told the students that I tend to be reasonable and I am suspicious,

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therefore I am reasonably suspicious. If he got a report that was credible, which meant almost any report, he would bring a kid in and would say, "Johnny, this is why I brought you in to talk to you, we can do this a couple of different ways, you can be cooperative with me and you go that way, or if you choose to then I will need to get officer so and so to talk to you." 9/10 the kids will empty their pockets. Lockers are easy because they are school property. They can search cars because on the parking permit it says that the school can do dog searches on the school parking lots. If the dogs hit on the car, then they would be reasonably suspicious. Randy said he never, ever frisked down a kid. He let the police do that. Always have a witness in there with you when you are talking to kids about a situation.

- "You can't have paralysis by analysis. You have to do the job you have been hired to do."
- "Discretion is the better part of valor."
- School districts don't need to have the same burden of proof that police officers need.
- Do you want to do this hard, or do you want to do this easy? If you do it easy, then I can tell the school board and the police officer that they were cooperative.
- Experience brings more patience.
- "Separate the things that I have control over and the things that I don't." I can control my actions and how I react