



A GUIDE TO AVOIDING COMMON HONOR SOCIETY AND STUDENT COUNCIL LEGAL PITFALLS

Presented by:

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TWO RULES TO REMEMBER

- Participation in NHS is a *privilege, not a right*. A student has no constitutional right to participate in NHS or to run for SC office.
- Don't discriminate. A school district may not prevent a student from participating because of the student's race, national origin, gender, religion, marital status, disability or sexual orientation.

SELECTION & CAMPAIGN GUIDELINES



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SELECTION & CAMPAIGN GUIDELINES TO KEEP IN MIND

- ◆ **Establish non-discriminatory requirements for candidacy and/or campaigns and consistently exclude students who don't meet those requirements.**
- ◆ **Describe the NHS selection process in detail in your Chapter by-laws and follow that process to the letter; like for campaign rules.**
- ◆ **Be sure the selection/campaign process and guidelines are available in advance for parents or students. It is a good practice to have student sign an acknowledgment of receiving, reading and agreeing to follow the rules and guidelines.**

HYPOTHETICAL

ONE:

- ◆ The parent of a special education student who has a 4.0 GPA in a “minimum graduation program” has complained that it is discriminatory to exclude her from NHS.

IS IT??

TWO:

- ◆ Our campus has historically elected only white student council members. We want more diversity on SC.

CAN WE RESERVE SOME POSITIONS FOR STUDENTS OF COLOR?

PARENT ACCESS



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PARENT ACCESS TO SELECTION INFORMATION

- **Under federal and state law, parents have the right to access and review their child's educational records.**
- **This includes teacher recommendations for extracurricular activities as well as any other selection-related documents.**

HYPOTHETICAL

- A parent requested access to teacher recommendations concerning his child that were used during our membership selection process. This student is a behavioral nightmare, and some of the teacher comments are scathing.

DO I HAVE TO DISCLOSE THESE DOCUMENTS TO THE PARENT?

- I want to protect our teachers.

MAY I ALLOW THEM TO REMAIN ANONYMOUS?

DISCIPLINE & DISMISSAL



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DISMISSING OR DISCIPLINING MEMBERS

Students in extracurricular activities may be held to a higher standard of conduct, as long as they know what those standards are.

- ◆ Put the code of conduct in writing

WHAT IS REQUIRED:

Notice and opportunity to be heard before punishment.

- ◆ Follow dismissal process in the constitution or by-laws

Students cannot participate in extracurricular or school activities, including NHS and Student Council, while in DAEP

- ◆ Be fair and consistent in discipline or dismissal decisions.



HYPOTHETICAL

- ◆ A candidate for Senior President got into a disagreement with the Administration over a fundraising issue. He is a really good kid, but over the weekend he posted some pretty strong words about the administration on Facebook and started a call-in campaign to oust the Superintendent. I don't think his conduct is consistent with the standards expected of a class officer.

CAN I PREVENT HIM FROM RUNNING FOR OFFICE?

HYPOTHETICAL

- ◆ **One of our NHS members was recently arrested off-campus for attempting to purchase Adderall without a prescription.**

CAN THIS TYPE OF CONDUCT BE DISCIPLINED?

- ◆ **What if a NHS member is found to be taking Adderall without a prescription during the school day?**

HYPOTHETICAL

- **A student wants to “friend” me on Facebook. This student is one of my best student council members. I also know this student outside of school because he goes to my church.**

WHAT SHOULD I DO?

COMMUNICATION ISSUES



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SOCIAL MEDIA

DISTRICT POLICY DH

- ◆ Remember: employees can be held to the same professional standards in their public use of electronic media as they are for any other public conduct.

SBEC STANDARDS 3.8 AND 3.9

- ◆ Maintain appropriate professional educator-student relationships and boundaries
- ◆ Refrain from inappropriate electronic communication with a student or minor.

TEXTING

- **Use traditional methods of communication**
- **Let administration and parents know when and why you intend to text students**
- **Keep texting minimal, professional and in the open**
- **Don't forget FERPA**

PAGES FOR NHS/NSC?

- **Facebook/Twitter Page for NHS/NSC should be authorized by administration**
- **Do not post student photos, names or other personally identifiable information without parent consent**
- **Consider setting up the page as informational only with no viewer posting**

SPONSOR'S DUTIES & CONDUCT

A yellow circular logo containing the letters 'WG' in a dark, serif font.

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KEEPING TRACK OF THE MONEY

- ◆ **DISTRICT RULES** – follow all district rules.
- ◆ **RETAIN ALL RECORDS** – keep them current and in good order for five (5) years.
- ◆ **ACTIVITY CASH FUND RECEIPTS** – only use receipt books furnished by the District.
- ◆ **BANK DEPOSIT SLIPS** – be sure the school's Activity Fund account name is printed on the slip.
- ◆ **DOCUMENTATION** – always use ink for all documentation.
- ◆ **SIGNATURES** – each account must have two (2) authorized signers, one signer must be the principal.

SPONSOR MISCONDUCT

COMMON ISSUES THAT ARISE:

- ◆ **Mismanagement of Funds**
- ◆ **Inappropriate Language**
- ◆ **Sexual Misconduct**
- ◆ **Physical Harm to Students**
- ◆ **Failure to Follow Rules or Directives**
- ◆ **Criminal Activity**
- ◆ **Disparaging Students**

SPONSOR LIABILITY

IMMUNITY – under Texas Law, school employees are immune from liability for injuries to a student, except:

- ◆ **When the employee uses excessive force or is negligent while disciplining a student; or**
- ◆ **When the employee operates a motor vehicle.**

RELIGIOUS ISSUES

- ◆ **Review and follow Board Policy FNA**
- ◆ **Student's have a right to express their religious viewpoint**
- ◆ **School prohibited from endorsing a particular religious viewpoint**
 - **Programs should not include an invocation or benediction**
 - **Student speakers should be chosen without consideration of religious viewpoint**
 - **A prayer should not be a required element in a ceremony**

HYPOTHETICAL

- **A student was injured while on a NHS trip. This student snuck out of his hotel room at night, was drinking and ended up falling down a flight of stairs.**

ARE THE NHS SPONSORS OR THE SCHOOL DISTRICT LIABLE FOR THE STUDENT'S INJURIES?

QUESTIONS?

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