

Key points:

- *Don't e-mail questions about service implementation*
- *Avoid rushed replies to parents' critical e-mails*
- *Leave out personally identifiable information*

Top 10 e-mail errors that prove damaging to districts

Staff e-mails that contain personally identifiable student information or questions about compliance can come back to haunt your district, attorneys say.

Training your staff about wise e-mail etiquette can go a long way in protecting relationships with parents and students, not to mention avoiding costly litigation.

"E-mails are the most negative part of students' records, because people send e-mails so quickly without thinking about what they are writing," says Susan Freedman, a school attorney with Shipman & Goodwin LLP in Hartford, Conn. What's more, many staff members think their computer is a private computer for their use in the school setting and are surprised to learn otherwise, she says.

School staff members must realize that when they send an e-mail, they are creating written documentation that could potentially wind up in the student's file or be used as evidence in a due process hearing or state complaint, says Patrick Andriano, a school attorney with Reed Smith LLP in Richmond, Va. "This is something administrators need to reemphasize during in-service trainings," he says.

Train your staff on these top e-mail errors that prove damaging to districts:

1. E-mailing questions about implementation. "E-mails sent between school staff discussing a failure to provide IEP services, concerns about whether the child is receiving FAPE, or concerns about whether the child is making progress can be used as evidence to substantiate claims for compensatory education services," Andriano says. Perhaps a teacher e-mails a speech therapist to ask why the student missed a few speech sessions. "Even a seemingly simple inquiry" can create the impression, real or perceived, that the district has failed to comply with the law, he says. Have these discussions over the phone or in person, and call for an IEP meeting if there are concerns that the student is not receiving FAPE.

2. Typing personally identifiable information. When a parent attorney asks for a student's education records, he almost always asks for any e-mails directly related to the student, sources say. E-mails that include personally identifiable information can be considered information directly related to the student, thus giving parents and their attorneys a right to access it. Therefore, know what information is considered personally identifiable under FERPA, and instruct your staff to leave such information out of e-mails. "There are other ways to talk about a student without including personally identifiable information," Freedman says. Perhaps two teachers recently had a face-to-face conversation about a student. "If one of them wants to e-mail the other with a question about that student, she may start the e-mail with: 'In regards to the student we were talking about yesterday afternoon . . .'" Freedman suggests.

3. Failing to verify e-mail recipients. "I've seen situations where someone hits 'reply all' without checking to see who else was copied on the e-mail," Freedman says. A staffer may think she is only replying to the child's teachers but may actually be replying to the parent as well, she says. Perhaps a special ed teacher e-mails a general ed teacher to ask how a child is doing in class, and she copies the parent in the e-mail. The general ed

teacher then hits “reply all,” not realizing she also is replying to the parent, and makes a statement criticizing the parent or the student. That’s an embarrassing mistake that can damage your staff’s relationship with parents and lead to mistrust, Freedman says.

4. Communicating concerns from your computer. Teachers or service providers should communicate their questions about a student’s services or progress to the IEP team leader rather than “laying it all out” in an e-mail, Freedman says. The IEP team can then consider convening to address any issues and revise the IEP if necessary. E-mails containing statements such as: “The student hasn’t done any work in my class the whole semester” or, “The student has been so disruptive in my class this week” will raise eyebrows that the IEP team is not addressing all of the student’s needs or implementing the IEP properly. “A hearing officer or a parent is going to question why you didn’t raise those concerns at an IEP meeting or contact the parent about your concerns,” Freedman says.

5. Clicking ‘send’ on sensitive information. Staff should not e-mail information disclosed by a student, Freedman says. School psychologists and counselors need to be especially careful in this area. For example, a student may confide to his counselor that he is upset about his parents’ divorce and doesn’t like his father’s new girlfriend. “E-mail does not provide any context,” Freedman says. What’s more, you risk staff relaying the sensitive information to other staff or to the student. “That can embarrass the student and inhibit the student’s (and possibly other students’) willingness to confide in school staff in the future on more serious matters,” Freedman says.

6. Rushing to hit ‘reply.’ “It’s a mistake to ever respond to a parent’s negative e-mail right away,” Freedman says. If a parent’s e-mail to a teacher or service provider comes across as critical or accusatory, wait before replying. You don’t want to risk sending an e-mail out of frustration. “Parents can sense that and may interpret your tone as uncaring,” Freedman says. In these situations, it’s preferable to arrange a phone call or meeting rather than respond to the e-mail. People act more civil to each other when communicating face-to-face, Freedman says. “This also gives both parties an opportunity to clearly get their points across and answer each others’ questions,” she says.

7. Neglecting to proofread. E-mails are sent so quickly that the sender often fails to double-check what he wrote, Andriano says. Rereading your e-mails gives you an opportunity to make sure that you didn’t include personally identifiable information or suggestions of noncompliance. Also, before sending, Freedman suggests asking yourself: Would I say that to the parent’s face? “If the answer is, ‘No,’ do not hit ‘send,’” she says. This exercise can help avoid sending something that you later regret.

8. Using e-mail as substitute for written reports. Staff members may think it is permissible to send an e-mail instead of filing a written report in certain situations. However, if a school policy calls for a written report, staff must abide by those rules. For example, most schools require staff members and parents to file written reports of suspected bullying. Thus, e-mailing a supervisor about a bullying incident would not be sufficient, Freedman says. “Staff members often assume that e-mailing is the same thing as submitting something in writing, but that’s wrong,” she says.

9. Using e-mail as substitute for prior written notice. Perhaps you had a phone conversation with a parent during which she requests a change to the child’s program. While you can e-mail the parent to reconfirm her request and state what the district proposes or refuses, you must also send a prior written notice. “Those always have to be in writing,” Freedman says. Reviewing with staff when prior written notice is required can also help guard against this mistake, she says.

10. Ignoring chronic e-mailers. Some parents bombard school staff with e-mails concerning their child. Alert an administrator when a parent misuses the system and sends multiple e-mails each day that are non-emergency in nature and expects immediate responses from staff. “She can step in and develop a communication plan with

the parent,” Freedman says. For example, the administrator and the parent can set up a 20-minute weekly phone conference to discuss concerns. Collect parents’ e-mails as they come in, and discuss them during the phone conference. Doing so saves staff time and can help avoid mistakes. “But it still shows the parent that you are responsive and listening to their concerns,” Freedman says.

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