



EDUCATION

ALERT

ANOTHER "PARENT BEHAVING BADLY" STORY

I don't know how I missed it, but by now you likely have heard about the controversy involving a California student caught cheating and the parent that is suing to keep the school from imposing its normal punishment. Not that I think the suit will ultimately be successful, but I want to point out the basis for the suit. It could be instructive in other cases and situations.

Here, the father (a family law attorney) claims that that the policy imposing the penalty – removing the kid from the special honors program – is at odds with another school policy that seems to say the penalty would only be imposed for the second (or subsequent) offense.

Why does it matter? Because the father's position has some legal basis. If a school enacts policies that conflict with each other, that school may find it is not able to impose the harsher penalty because people could be confused about what punishment they'd face. In general, when the

Pennsylvania courts have seen such issues they have said that it was possible to read the conflicting policies together so there was no conflict. That may not always be the case, though, so it is a situation to avoid where possible.

Lesson learned? Review policies as well as student/employee handbooks to ensure that you are not treating the same actions differently in those various places.

Finally, for those like me who managed to miss the coverage of this situation in California, you can read about it [here](#). By the way, the only reason I heard about this situation now is because [Aaron Weems](#) of Fox Rothschild's litigation department (family law) brought it to my attention. Thanks Aaron.

If you have questions about this Alert, please contact A. Kyle Berman at 610.397.7980 or aberman@foxrothschild.com or any member of Fox Rothschild's [Education Practice](#).

