

The Free and Ordered Space for District Staff and Virtual Communications Outside the School House Gates

AASB Law and Policy Day

Dec 10, 2021

Also known as...

The Social Media
awareness Presentation

Introductions...

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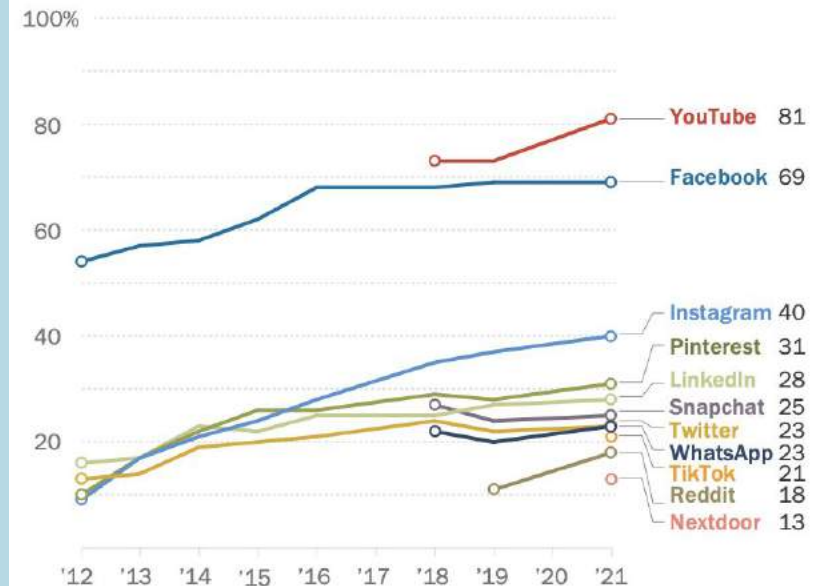
Overview

- ▶ Social Media Trends
- ▶ Code of Ethics
- ▶ Recent headlines & personal opinions online
- ▶ Free speech for educators
- ▶ Communication with students
- ▶ District Policies
- ▶ Recommendations

Social Media Use in 2021

Growing share of Americans say they use YouTube; Facebook remains one of the most widely used online platforms among U.S. adults

% of U.S. adults who say they ever use ...



Note: Respondents who did not give an answer are not shown. Pre-2018 telephone poll data is not available for YouTube, Snapchat and WhatsApp; pre-2019 telephone poll data is not available for Reddit. Pre-2021 telephone poll data is not available for TikTok. Trend data is not available for Nextdoor.

Source: Survey of U.S. adults conducted Jan. 25-Feb. 8, 2021.

"Social Media Use in 2021"

PEW RESEARCH CENTER

- ▶ 18- to 29-yr-olds
 - ▶ Youtube: 95%
 - ▶ Instagram: 71%
 - ▶ Snapchat: 65%
 - ▶ TikTok: 55%

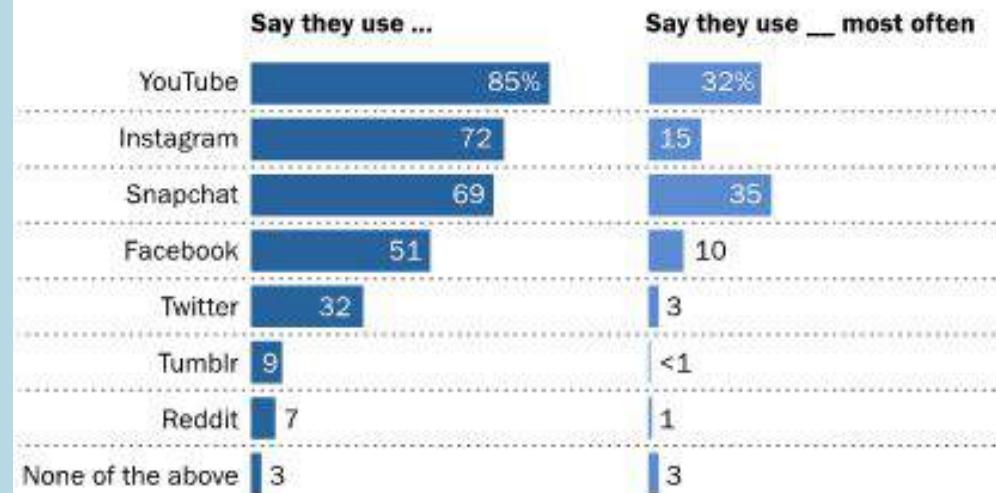
Social Media Trends

(Pew Research Center “Teens, Social Media, and Technology” May 2018)

- ▶ 95% of teens have access to a smartphone.
- ▶ 45% say they are online “almost constantly.”
- ▶ Facebook no longer dominant

YouTube, Instagram and Snapchat are the most popular online platforms among teens

% of U.S. teens who ...



Note: Figures in first column add to more than 100% because multiple responses were allowed. Question about most-used site was asked only of respondents who use multiple sites; results have been recalculated to include those who use only one site. Respondents who did not give an answer are not shown.

Source: Survey conducted March 7-April 10, 2018.

“Teens, Social Media & Technology 2018”

PEW RESEARCH CENTER

Alaska Professional Teaching Practices Commission

- ▶ Established in 1966
- ▶ Preventative and positive force in helping enhance the professional performance of all educators.
- ▶ Nine-member commission
 - ▶ Five Teachers
 - ▶ One superintendent
 - ▶ One Principal
 - ▶ One representative from DEED
 - ▶ One representative from higher education
- ▶ 20 AAC 10.020 Code of Ethics and Teaching Standards
- ▶ 20 AAC 10.035 Moral Turpitude
 - ▶ “conduct that is wrong in itself even if no statute were to prohibit the conduct”
 - ▶ Inherently base, vile, or depraved, and contrary to the accepted rules of morality and the duties owed between person or to society in general.
 - ▶ Most common: Fraud, Larceny, Intent to harm persons or things

Recent Headlines

- ▶ Dance Competition
 - ▶ 24-yo elementary teacher. Entered dance competition in Cabo San Lucas. Won \$260. Video recording of her winning performance posted online, parents and students saw. Forced to resign.
- ▶ A federal judge has dismissed the lawsuit of a West Virginia teacher who was fired for her social media posts. Former Huntington High School teacher Mary Durstein made a series of posts in 2017 that ridiculed Black people, Muslims and former President Barack Obama. (West Virginia, March 2021)
- ▶ After photo of teacher giving finger to Trump sticker goes viral, John Carroll School dismisses her, changes social media policies. (Maryland, Sept. 2020)
- ▶ Illinois teacher fired for criticizing deadly riots in Chicago files (anti-BLM post) files civil rights lawsuit (Illinois, July 2021)

5th Grade Teacher on Leave After Vulgar Social Media Post About Students, Officials Say



Personal Opinions Online

(Munroe V. Cent. Bucks School Dist. 805 F. 3d 454 2015)

- ▶ “I don’t care if you lick the windows, take the special bus or occasionally pee on yourself... you hang in there sunshine, you’re friggin special.”
- ▶ For this blog, I will list the comments I’d like to see added to the canned comment list:
 - ▶ *Shy isn’t cute in 11th grade; it’s annoying.*
 - ▶ *Gimme an A.I.R.H.E.A.D. What’s that spell? Your kid!*
 - ▶ *Nowhere near as good as her sibling. Are you sure they’re related?*
 - ▶ *Just as bad as his sibling. Don’t you know how to raise kids?*
 - ▶ *Dresses like a street walker.*
 - ▶ *Weirdest kid I’ve ever met.*
 - ▶ *I hear the trash company is hiring...*

Personal Opinions Online

(Munroe V. Cent. Bucks School Dist. 805 F. 3d 454 2015)

- ▶ “To say it was a disruption to the learning environment is an understatement.”
- ▶ Received over 200 opt-out requests.
- ▶ Teacher allowed to return from maternity leave, given a remediation plan, ultimately notices for termination.
- ▶ Claimed First Amendment violations
- ▶ Tinker Test aka the “substantial disruption” test

Personal Opinions Online

(Munroe V. Cent. Bucks School Dist. 805 F. 3d 454 2015)

“The real issue is that while something may be legally right, it may not be ethically or morally right. There are consequences that occur when a person chooses to exercise her rights and say outrageous, disrespectful, vulgar and cruel things about other people... especially when it’s a teacher saying terrible things about the young men and women who are in her classroom.”

What about my free speech?

(Pickering v Board of Education 391 U.S. 563 1968)

- ▶ February 1961: Township BOE asked voters to approve a bond issue to raise \$4,875,000 for two new schools (defeated).
- ▶ December 1961: BOE resubmitted bond proposal to voters for \$5,500,000 (passed).
- ▶ May 1964: BOE submitted to voters increase in tax rate for educational purposes (defeated).
- ▶ September 1964: Second proposal to increase tax rate submitted (defeated).

What about my free speech?

(Pickering v Board of Education 391 U.S. 563 1968)



- ▶ After election, Marvin Pickering, wrote a LTE criticizing the BOE for mishandling the 1961 bond proposals and allocation of financial resources.
- ▶ Accused Superintendent of preventing teachers from speaking out about the proposed bond issue.
- ▶ Dismissed by BOE for writing letter.

Supreme Court: Absence of proof of the teacher knowingly or recklessly making false statements, the teacher had a right to speak on issues of public importance without being dismissed from his or her position.

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Scenario: Discuss with a partner

An educator posts on Facebook a local newspaper article favorable to a political candidate. Is this protected speech? Can they be disciplined?

Scenario: Discuss with a partner

A teacher is instructed not to discuss with students their personal opinion on political matters. In a classroom discussion on racial issues in America, you let your students know that you have recently participated in a Black Lives Matter demonstration. Is this protected speech? Can you be disciplined?

Educators and Social Media



▶ DO POST:

- ▶ Hobbies
- ▶ Family
- ▶ You're still a human being & community member.
- ▶ #edchat

▶ DO NOT POST:

- ▶ Anything illegal.
- ▶ Complaints about students, admin, parents.
- ▶ Internal grievances.
- ▶ Vacation pictures and updates WHILE on vacation.

Leave and Social Media

- ▶ Sick Leave & Social Media
 - ▶ Approved medical leave/travel
 - ▶ FMLA recovery in Mexico
 - ▶ Arbitration AEA
- ▶ Coworkers and parents reporting
- ▶ Knowing the whole story, and you don't have a right to it.
- ▶ Pandemic
 - ▶ Working out
 - ▶ Hobbies

“Employees shall have no expectation of privacy when using school district owned technology... including networks.”

Policy 801.24

Fairbanks North Star Borough School District



FNSBSD Policy 803.2: Digital Citizenship and Internet Safety

A. Digital Citizenship

1. Respectful and responsible participation in the digital world;
2. Protecting their privacy as they respect the privacy of others;
3. Respecting the creative work of others
4. Avoiding cyber bullying and other offensive behaviors;
5. Positive conduct that supports collaboration and positive relationships

B. Internet Safety and Security

C. Research and Information Literacy



FNSBSD Policy 803.2: Digital Citizenship and Internet Safety

A. Digital Citizenship

B. Internet Safety and Security

1. The benefits and rewards of communicating online;
2. How to recognize inappropriate contact and communication;
3. Appropriate online behavior and manners, including interacting with other individuals on social networking websites and in chat rooms;
4. Cyber bullying awareness and response;
5. Understanding privacy and how to protect it;
6. Reporting to appropriate authorities the discovery or knowledge of inappropriate digital communication.

C. Research and Information Literacy



FNSBSD Policy 803.2: Digital Citizenship and Internet Safety

- A. Digital Citizenship
- B. Internet Safety and Security
- C. Research and Information Literacy
 - 1. Effective internet research;
 - 2. Fluency in evaluation of information; and
 - 3. How the internet can foster creativity and real world problem solving.



JSD: Technology Acceptable Use Agreement for District Staff

Communication Guidelines: Official communication through District provided or sponsored websites, servers, and systems.

Board Policy 1530:

Personal use of technology is permitted at times when it will not interfere with the employment responsibilities, when authorized by the immediate supervisor or other appropriate administrator.



JSD: Technology Acceptable Use Agreement for District Staff

Unacceptable Uses:

- ▶ Intentionally damage
- ▶ Participate in unauthorized access of files, systems, or unlawful activities
- ▶ Download games or music (not ed-related), and not in violation of copyright laws.
- ▶ Participate in non-educational web based computer games
- ▶ Read someone's emails/files w/o permission
- ▶ Share passwords



Recommendations for Educators:

- Use social media to increase engagement and for other positive purposes.
- Keep separate personal and professional pages/feeds/etc.
- Students are not your “friends.”
- Model the behavior you expect from your students.
- Think twice, post once.
- Think and talk through text messaging protocol.
- Choose your friends carefully.
- Cyberethics: Be a role model of good online behavior.
- Be aware of district policies, procedures, and practices.

Recommendations for AASB:

- ▶ Have **clear reasonable rules** and **clear reasonable expectations** of acceptable technology and social media use, as well as expectations for student communication.
- ▶ Let your staff know in a clear and effective way.
- ▶ When hearing about social media use of your staff, it's most likely not illegal, even if it's not liked. Don't overreact.

Resources

National Education Association

[Pew Research](#)

Cybertraps for Educators

Washington ACLU

