
EAST CAROLINA UNIVERSITY
TEACHER TOOLBOX WORKSHOP SERIES

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Live Virtual Seminar

Social Media 101 & the Law for Teachers

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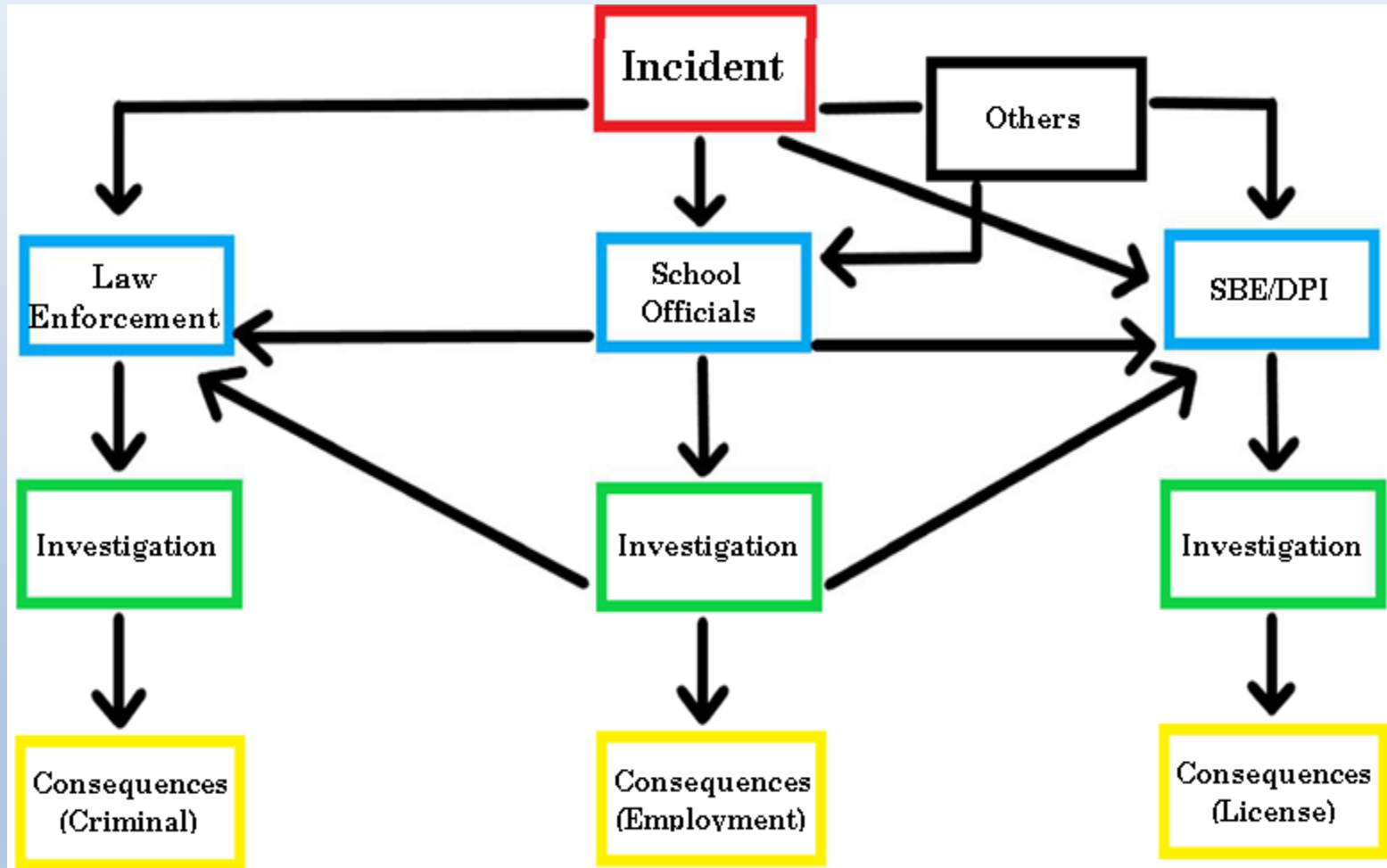
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OVERVIEW:
EXPECTATIONS, ACTIONS, CONSEQUENCES

- General Expectations of Professional Educators in NC;
- Common Missteps of Initially Licensed Professional Educators; and
- Consequences of Misconduct on the Job and Beyond.

OVERVIEW:
EXPECTATIONS, ACTIONS, CONSEQUENCES



NC LAW & BEGINNING TEACHERS

Professional Educators in NC must follow:

- All terms of employment;
- Local and State Policies; and
- State and Federal Laws.

Failure to do so may result in disciplinary action by:

- Local Employer (School District);
- State Licensing Board (NC State Board of Education);
and/or
- Law Enforcement (Criminal Conviction).

Boundaries & Professional Educators (NASDTEC)

http://www.nasdtec.net/?page=MCEE_Doc

“Boundaries”

The verbal, physical, emotional and social distances that an educator must maintain in order to ensure structure, security, and predictability in an educational environment. **Most often, the boundaries that are transgressed relate to role, time and place.** By respecting contracted roles, appropriate working hours, and the location of the learning environment, secure boundaries are in place for all members of the schooling community.

“Professional Educator”

A licensed educator who demonstrates the highest standards of ethical and professionally competent practice and is committed to advancing the interests, achievement and well-being of students. The professional educator is also committed to supporting the school community and the education profession.

NC LAW & BEGINNING TEACHERS

Faulkner v. Board of Education, 316 S.E.2d 281 (1984)

- Teacher Dismissal Case
- Teacher consumed alcohol on school grounds during class time
- Left students alone in class for extended periods of time
- Local Board of Education dismissed the teacher
- NC Supreme Court upheld the dismissal

NC LAW & BEGINNING TEACHERS

Faulkner v. Board of Education, 316 S.E.2d 281 (1984)

“Our inquiry focuses on the intent of the legislature with specific application to teachers who are entrusted with the care of small children and adolescents. We do not hesitate to conclude that these men and women are intended by parents, citizenry, and lawmakers alike to serve as good examples for their young charges.”

NC LAW & BEGINNING TEACHERS

Faulkner v. Board of Education, 316 S.E.2d 281 (1984)

“Their character and conduct may be expected to be above those of the average individual not working in so sensitive a relationship as that of teacher to pupil. It is not inappropriate or unreasonable to hold our teachers to a higher standard of personal conduct, given the youthful ideals they are supposed to foster and elevate.” (*Emphasis added*).

NC LAW & BEGINNING TEACHERS

§ 14-27.32 Sexual Activity with a Student

(a) If a defendant who is a teacher, school administrator, student teacher, school safety officer, or coach, at any age, or who is other school personnel, and who is at least four years older than the victim engages in vaginal intercourse or a sexual act with a victim who is a student, at any time during or after the time the defendant and victim were present together at the same school but before the victim ceases to be a student, the defendant is guilty of a Class G felony[...]

(d) Consent is not a defense to a charge under this section.

NC LAW & BEGINNING TEACHERS

§ 14-202.4 Taking Indecent Liberties with a Student

(a) If a defendant, who is a teacher, school administrator, student teacher, school safety officer, or coach, at any age, or who is other school personnel, and is at least four years older than the victim, takes indecent liberties with a victim who is a student, at any time during or after the time the defendant and victim were present at the same school, but before the victim ceases to be a student, the defendant is guilty of a Class I felony[....]

(d) (1) Indecent liberties means:

- Willfully taking or attempting to take any immoral, improper, or indecent liberties with a student for the purpose of arousing or gratifying sexual desire; or
- Willfully committing or attempting to commit any lewd or lascivious act upon or with the body or any body part or member of the body of a student...

NC State Board of Education Policies:
<https://stateboard.ncpublicschools.gov/policy-manual>

Standards for Professional Conduct of NC Educators
POLICY #EVAL-014

Evaluation Standards and Criteria: Teachers
POLICY #EVAL-006

Testing Code of Ethics
POLICY #TEST-010

NC License Suspension and Revocation
POLICY #LICN-007

EVALUATION STANDARDS AND CRITERIA: TEACHERS (Continued)

“Teachers Demonstrate High Ethical Standards.”

- Demonstrates strong knowledge of NC Teacher Code of Ethics.
- Engages in professional discussions with confidentiality.
- Demonstrates day-to-day behavior as role model.
- Adheres to policy when administering grades.
- Treats students with respect, preserving dignity, in a crisis.
- Follows protocols of school.
- Attends meetings and is punctual and attentive.

EVALUATION STANDARDS AND CRITERIA: TEACHERS (CONTINUED)

“Teachers Demonstrate High Ethical Standards.”

- Arrives at school prepared to welcome students on time.
- Meets deadlines for data collections, referrals, and meetings with parents (Read To Achieve, IEP, etc.)
- Holds colleagues accountable for being positive.
- Informs an administrator of or prevents inappropriate conduct.
- Uses opportunities to assist/confront unethical conduct of a colleague.
- Refrains from misconduct involving children, parents or colleagues.
- Does not make demeaning, humiliating or embarrassing comments to students.

NC LICENSE SUSPENSION & REVOCATION

NC may suspend, revoke, or deny a license for:

- (1) Lying on application for employment or license;
- (2) Failing to satisfy course and testing requirements;
- (3) Conviction of a crime that prevents the ability to be a role model;
- (4-5) Final dismissal from employment;
- (6) Resigning without 30 days' notice;
- (7) Revocation by another state;
- (8) Any other illegal, unethical or lascivious conduct by a person if impairs ability to be a role model; and
- (9) Failure to report revocable conduct to administration.

SOCIAL MEDIA AND TEACHERS

What is “Facebook Fired?”

Personal Expression vs. Unprofessional Conduct

Case Studies in Other States

Recent Cases in North Carolina

Social Media: Case #1

Mississippi Middle School Teacher

Posted on Facebook: “If blacks in this country are so offended, no one is forcing them to stay here...Why don’t they pack up and move back to Africa...”

Denies posting, claims she was “hacked” and says she only posts about “cows, recipes and home improvement stuff, not racism.”

Fired – violated district policy, did not appeal

SOCIAL MEDIA: CASE #2

Idaho Substitute HS Teacher/Girls Head Basketball Coach

Posted FB photo which was visible by “friends” and her students.

She and her boyfriend in bathing suits standing next to each other. They each had one arm around the other’s waist. The male had his other hand touching Ms. Cook’s breast, while a third person “photobombed” the picture.

Ms. Cook was initially fired. On appeal, the court ordered her termination rescinded and reinstatement because:

- Cook had no prior issues;
- Immediately removed photo;
- Photo was lighthearted and not of a sexual nature; and
- District did not have social media policy.

SOCIAL MEDIA: CASE #2 (CONTINUED)



SOCIAL MEDIA: CASE #3

30 –Year New Jersey High School Math Teacher

Responded to a student’s FB post and called other students “Losers!”

Fired for a “prolonged period” of insubordination and unbecoming conduct:

- English learner ridiculed for being unable to read calculator;
- Chronically failed to complete grade book timely;
- Allowed cellphone to sound during state test administration, etc.

Teacher had remorse and said “she loved kids and helping people” and this was “difficult” and a “learning experience.”

2-Yr License Suspension.

NC SOCIAL MEDIA/TEXTING: CASE #4

English Language Arts Teacher

Snapchat conversations with a former student re: new school and if girlfriend was “naughty” and if girls grabbed “ur piece.” Parent intervened and told T to call Parent. Initially, T denied sending the Snapchat messages, but then said he was just “checking up” on the former student.

Brushed hair of female student with his fingers.

T also took photos of female co-worker without permission, posted mean, sexual, and harassing messages.

License Revoked.

NC SOCIAL MEDIA/TEXTING: CASE #5

Science Teacher

Female student gave administration pictures and communications from T that were sexual in nature and gathered from a fake FB account.

2015 written reprimand for commenting on students' Instagram postings/pictures:

“Don't usually like bathroom selfies but this one got me.”

2016 sent sex images on Snapchat to female student

Admitted sending picture of his genital area to a student without knowing it was a student.

License Revoked.

NC SOCIAL MEDIA/TEXTING: CASE #6

High School English Teacher

“Unintentionally” videoed self in the nude, while showering, posted on Twitter

Numerous current and former students were followers and had access to video

Prior to this, T had written warning from Principal not to “friend” parents and students on personal social media

2-Year License Suspension.

NC SOCIAL MEDIA/TEXTING: CASE #6 (UPDATE)

For 2 years, T worked with NCDPI to provide quarterly reports of current work status and mental health counseling

In 2020, T requests reinstatement of NC Teaching License and seeks FL Teaching License

Currently working as a substitute teacher in FL without misconduct and a news reporter

NC Probation lifted June 30, 2020

NC License Expired June 30, 2021

NC SOCIAL MEDIA/POSTING PICTURES: CASE # 7

Technology and Engineering High School Teacher

T took pictures of his genitals while in classroom and posted the pictures on social media during the school day.

T also expressed interest on social media about incest relationships.

T also commented on teacher-student sexual relationships.

Voluntary Surrender.

NC SOCIAL MEDIA/INAPPROPRIATE CONDUCT : CASE # 8

High School Art Teacher

T made lewd and inappropriate comments on social media to high school graduates.

T showed nude photo of woman to one high school student during class.

T frequently drove one female student home from art club without parental knowledge or consent.

T used comments on social media to solicit former female students to come to his home to pose nude and solicit them to perform sex acts.

Voluntary Surrender.

NC SOCIAL MEDIA/TEXTING: CASE # 9

Female High School Teacher

Inappropriate Interactions with two male seniors – showing favoritism and making lewd comments.

Snapchat Messages from T to Student #1

“a blowjob from someone who knows how scares you I guess or being f***ed by a woman”

[student saved message]

“saved why? Did you send that to someone else? if conversation makes you uncomfortable, you need to say...Please tell me if I upset you.”

Communications between Student #1 and #2 “she kept asking me if it was inappropriate to wait to ask a student to sleep with an older woman”

NC SOCIAL MEDIA/TEXTING: CASE #9 (CONT.)

Student #2 said teacher told him not to save any Snapchat messages she sent

Teacher admitted communicating with some students via Snapchat, but not these two

When presented a screenshot of the communications she said she intended to send them to someone else.

Administration reported the conduct to the State Board of Education for further review.

Resigned/Voluntary Surrender.

NC SOCIAL MEDIA/INSTAGRAM: CASE # 10

High School Teacher

The T had two separate Instagram accounts.

One fake and one using his real identity and used them interchangeably.

T exchanged inappropriate messages with students.

Messaged a student through Instagram that “she had his permission to kiss him on the cheek.”

Other inappropriate conduct online and while T.

License Revoked.

NC SOCIAL MEDIA/KITCHEN SINK: CASE # 11

High School History/Civics Teacher

Former military career.

“Kitchen sink” of repeated inappropriate acts of misconduct after warnings.

Squirting student with water bottle and shoving his desk
T stated that the student was in jeopardy of not graduating and mother of student gave permission to squirt son.

T indicated that he used profanity in class to get attention of students and that was a “tool” in his teaching toolbox.

Denied making inappropriate sexual comments and there were allegations of alcohol abuse, T fought with wife at school (she was a T) and engaged in “front hugging” of students.

Suspension Indefinitely.

NC SOCIAL MEDIA/TEXTING: CASE # 12

Kindergarten Teacher

T's school-issued iPad was used by another T to conduct student testing

Multiple inappropriate text messages popped up, including nude male body parts and messages concerning illegal drug use.

T eventually admitted that he connected his personal account to the school iPad.

Administrator asked whether T would pass a drug test, he “honestly didn’t know.”

License Revoked.

NC SOCIAL MEDIA/TEXTING: CASE # 13

High School Teacher (2016-2017)

Teacher had recently resigned his teaching position following allegations of using a fictitious name when communicating with a student on Instagram.

Previously, the school administration met with the male teacher regarding a comment made to female students about wearing tight jeans and a complaint from a former student about the teacher using a fake name and picture on a social media site.

3-Year License Suspension.

NC OTHER DISCIPLINARY ACTION: CASE #14

High School Math Teacher (2015-2016)

The State Board of Education was notified in January, 2016, that the teacher had been convicted of prostitution in Texas in 2008.

The teacher's Texas teaching license was suspended from October 2008 through October 2009 due to "sexual misconduct."

Teacher failed to report both the conviction and the license suspension on his 2012 application for NC teaching license and his 2012 employment application for the school district.

License Revoked.

SOCIAL MEDIA: FIRST AMENDMENT PROTECTION?

Free Time, Free Speech? Think Twice.

Administrators are checking up. Many districts require job applicants to show social media pages during the job interview.

If you are not sure what an administrator would think about your social media, show your mom. If she has a problem, then so do you.

But what about a teacher's right to free speech as a citizen?

SOCIAL MEDIA: FIRST AMENDMENT PROTECTION?

“Balancing Act” Case Study

Fort Worth High School English Teacher

Wrote on Trump Twitter Account “remove illegals from Fort Worth”

District “loaded” with and High School was “taken over by” undocumented students from Mexico.

Teacher referred to colleague as a “Hispanic AP who protects certain students from criminal prosecution”

One student stated teacher made “ethnically demeaning” statements during class

SOCIAL MEDIA: FIRST AMENDMENT PROTECTION?

District Fired Teacher – T says she believed the tweets were private messages

T appealed to State Education Dept. – Reversed district and said T should either be reinstated in job or given one year back pay “statements were made by a citizen on a matter of public concern protected by the U.S. Constitution and do not contravene or impair policies or proper performance of the district’s functions.”

Despite State ruling, the district stands by its decision “in the best interests of all students” (60% of students in district are Hispanic)

SOCIAL MEDIA: FIRST AMENDMENT PROTECTION?

Teacher remained on leave and district appealed.

Travis County District Court upheld the termination
March 23, 2021

The teacher did not appeal to the 3rd Court of
Appeals.

Teacher's Twitter account no longer exists.

SOCIAL MEDIA: FIRST AMENDMENT PROTECTION?

Free Speech, Teacher as a Positive Role Model

Don't post anything derogatory about students, parents, administrators or colleagues

Don't post anything so inflammatory or offensive that can't do job effectively

Don't preach, teach

Don't teach what to think, but how to think for self

SOCIAL MEDIA: FIRST AMENDMENT PROTECTION?

Tips for Teachers & Social Media

--You are the same person online as you are in your classroom.

- Is the content appropriate to post according to school policy?
- Who can view and comment on my posts?
- Which posts will I “like,” comment on, etc.?
- Do I understand the privacy options/settings?
- Do I want to maintain privacy for me and my family?
- Does my post/comment impact student confidentiality?
- What are my social media boundaries when interacting with parents, students, colleagues?
- How can I protect myself and the teaching/learning community online?

North Carolina Teacher Discipline & Social Media Resources

NC Employment Dismissal Process

<https://www.dpi.nc.gov/about-dpi/state-board-education/legal-affairs#hearing-officer-resources>

NC License Disciplinary Process

<https://www.dpi.nc.gov/about-dpi/state-board-education/legal-affairs#disciplinary-process>

“Role Model Standard” for Educators Social Media (and Technology) Policies How to Create Social Media Guidelines

<http://www.edutopia.org/pdfs/edutopia-anderson-social-media-guidelines.pdf>

Model Code of Ethics for Educators (NASDTEC 2015) Responsible and Ethical Use of Technology

http://www.nasdtec.net/?page=MCEE_Doc