

OKLAHOMA STATE DEPARTMENT OF
EDUCATION
— CHAMPION EXCELLENCE —

Social Media: Monitoring Restrictions and Discipline

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Disclaimer

- Everything you are about to hear are the personal opinions of the speaker and not necessarily the policies or opinions of the State of Oklahoma. Information provided should not be construed as legal advice or opinion.
- Humor?

40K Years Ago =
Oldest Known Image...
Painting, Indonesia



5K Years Ago =
Oldest Known Text...
Cuneiform, Mesopotamia



131 Years Ago =
Oldest Known Moving Image...
Video, United Kingdom

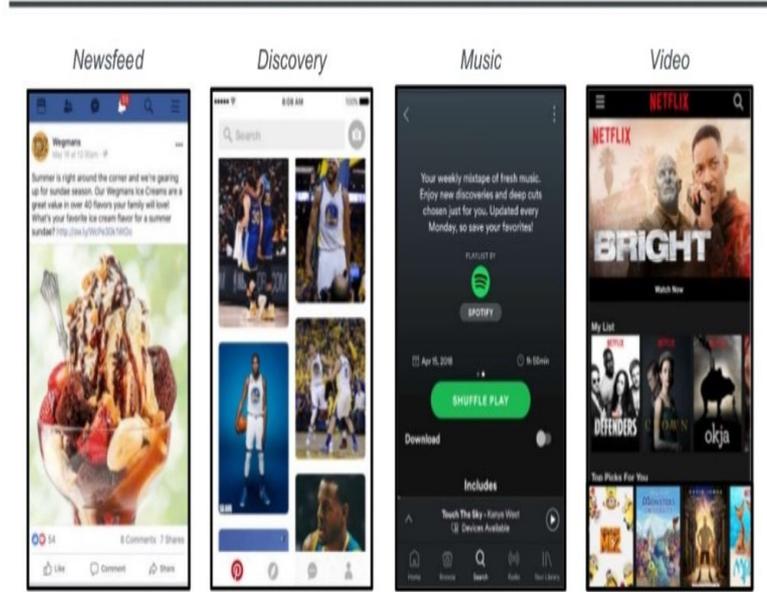


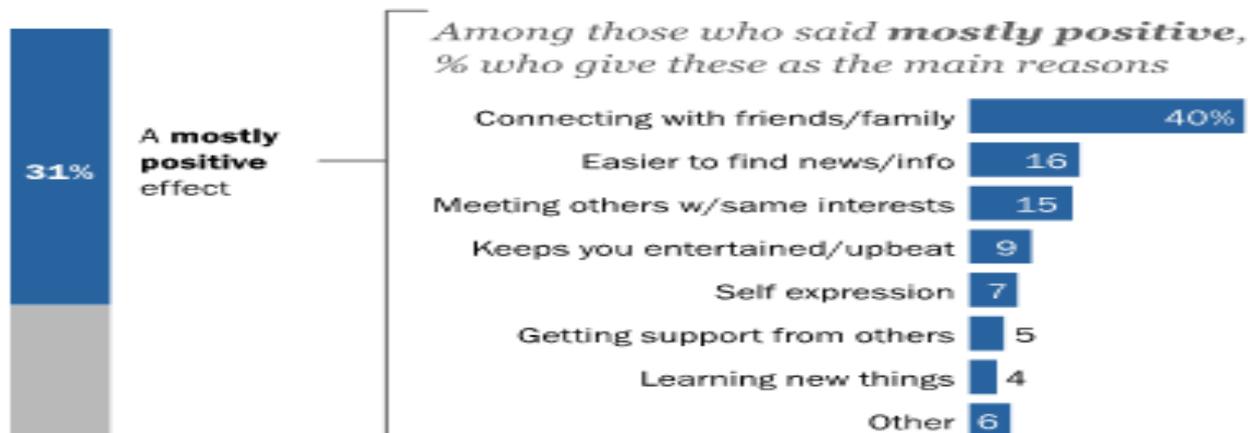
2.2B
Facebooks

200MM
Pinterests

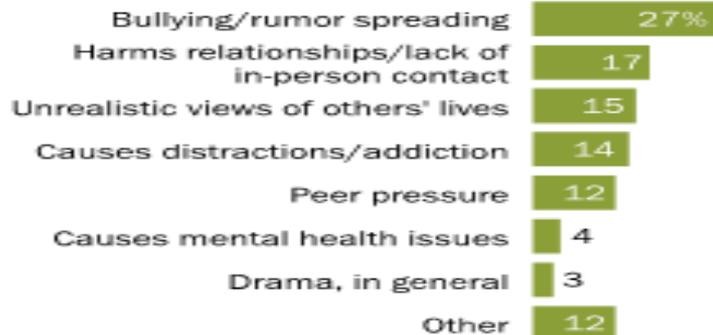
170MM
Spotifys

125MM
Netflixes





*Among those who said **mostly negative**, % who give these as the main reasons*

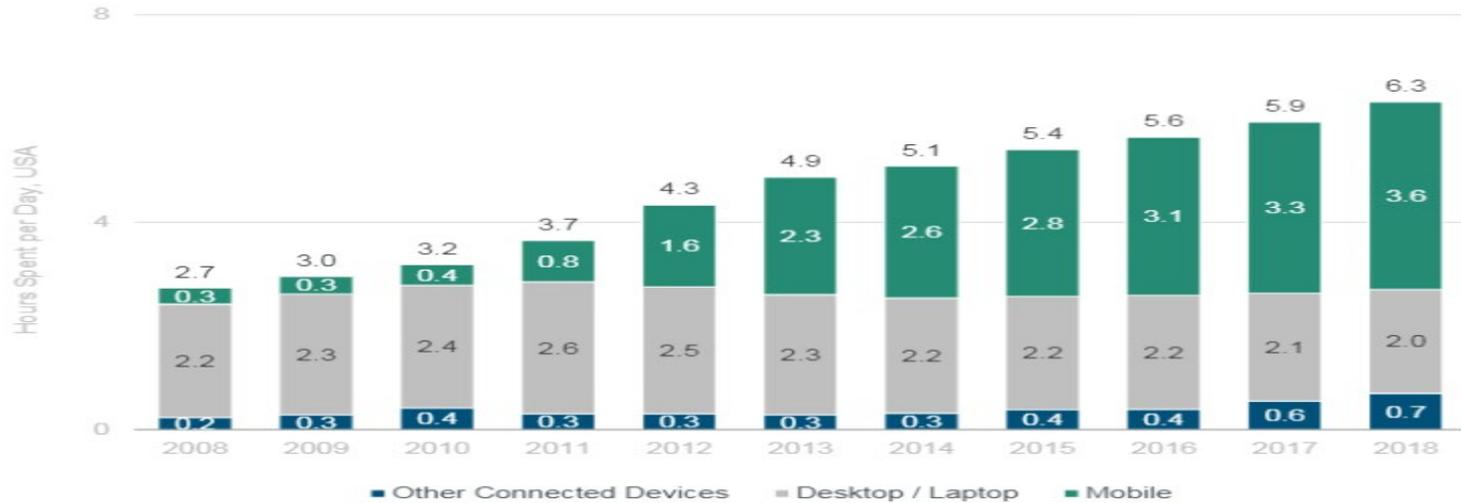


Do Social Media Platforms You Use Make These Health-Related Factors Better or Worse?



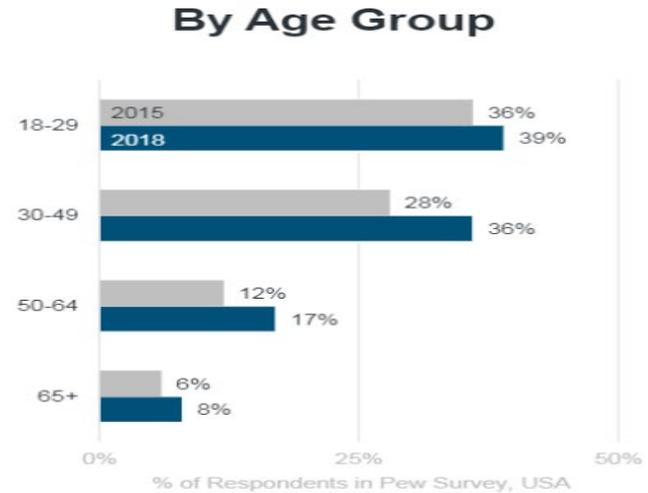
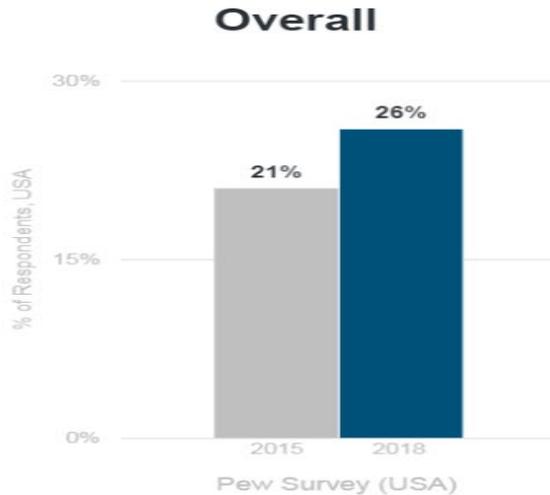
Digital Communication

Daily Hours Spent with Digital Media per Adult User, USA



Adults “Constantly” Online

% of Adults Online ‘Almost Constantly’

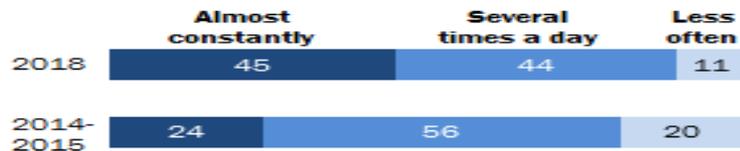


Teens “Constantly” Online

45% of teens say they’re online almost constantly

45% of teens say they’re online almost constantly

% of U.S. teens who say they use the internet, either on a computer or a cellphone ...



Note: “Less often” category includes teens who say they use the internet “about once a day,” “several times a week” and “less often.”

Source: Survey conducted March 7-April 10, 2018. Trend data from previous Pew Research Center survey conducted 2014-2015.

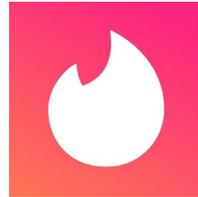
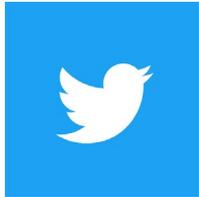
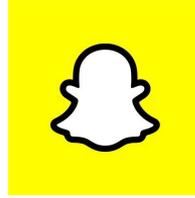
“Teens, Social Media & Technology 2018”

PEW RESEARCH CENTER

Apps & Sites



Instagram



Monitoring & Access

- Is monitoring new?
- Social listening
 - Keywords
 - Locations
- Safety and school climate, not personal opinions



On- v. Off-Campus

- *Loco parentis* v. constitutional right to free expression
 - Intersection of school authority and social media use
- Generally: freedom of expression unless it infringes on the rights of others, school safety or interferes with ability of school to deliver services and processes

On- v. Off-Campus

- Duty to report
 - Threatening behavior
 - Bullying
 - Abuse
- Title IX and other state or federal laws

Threats

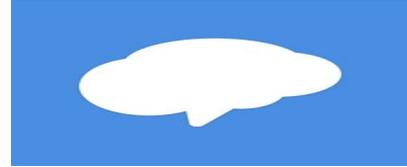
- Duty to report – 70 O.S. § 24-100.8
- Verbal or threatening behavior, whether directed at another or not
- Potential for future harm to students, school personnel or school property
- Immunity for good faith report

Abuse

- Duty to report? 10 O.S. § 1-2-101
- Every school employee having reason to believe that a child under age 18 is a victim of abuse or neglect
- “Abuse” – harm or threatened harm to health, safety or welfare.
 - Mental, sexual and/or physical
- Immediately report to DHS and law enforcement

Use in Schools

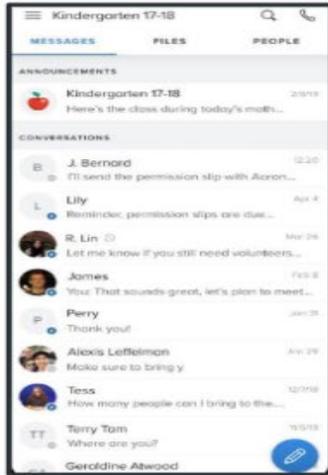
- Embrace social media
- School policies
- Code of conduct
- Emergency / Crisis
- Communication
- Senate Bill 198 (2019)
- Executive Order 2019-20



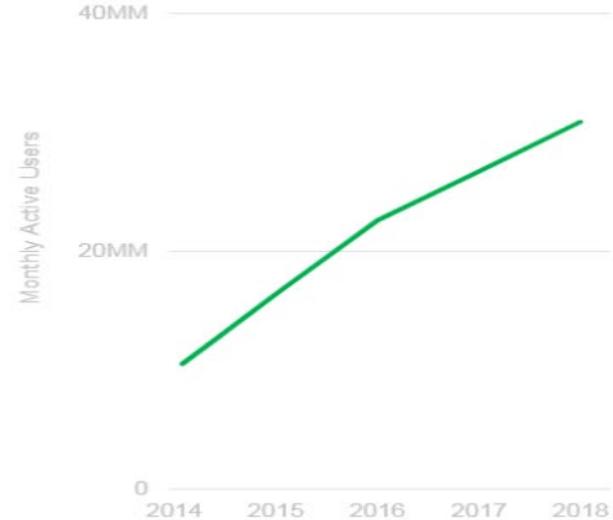
Teacher-Student / Family Engagement

Remind – K-12 + Post-Secondary (North America)

Teacher-Student-Parent Communication



Monthly Active Users



Case Law

- *Tinker v. Des Moines*, 393 U.S. 503, 89 S.Ct. 733 (1969)
- *Tatro v. University of Minnesota*, 816 N.W.2d 509 (Minn. 2012)
- *Bell v. Itawamba Cty Sch. Bd.*, 799 F.3d 379 (5th 2015)
- *Morse v. Frederick*, 551 U.S. 393, 127 S.Ct. 2618 (2007)
- *Bethel Sch. Dist. No. 403 v. Fraser*, 478 U.S. 675 (1986)

Case Law

- *People v. Marquan M.* - 24 N.Y. 3d 1, NY 2014 WL 2931482 (2014)
- *State v. Bishop* – 368 N.C. 869 (N.C. 2016)
- *A.N. v. Upper Perkiomen Sch. Dist.*, 228 F.Supp.3d 391 (E.D. Penn. 2017)

People v. Marquan M.

- New York cyberbullying law
 - Criminalize any act of communicating with no legitimate personal purpose, with intent to harass or annoy another...”
- Facts
 - “Cohoes Flame” – photos of classmates, descriptions of sexual acts and partners
- Criminal prohibition of “alarming breadth”
 - Extends far beyond reach of bullying of children
 - *Applies to adults, corporations, etc.*

State v. Bishop 368 N.C. 869 (N.C. 2016)

- NC cyberbullying statute
 - Prohibits “posting or encouraging others to post...private, personal or sexual information pertaining to a minor.”
- Facts
 - “excessively homoerotic,” “pathetic” and “defensive”
 - Victim found crying, throwing and hitting himself
- Speech regulation that is content based; not narrowly tailored

*A.N. v. UpperPerkiomen Sch. Dist., 228
F.Supp.3d 391 (E.D. Penn. 2017)*

- Facts
 - Sandy Hook and “Pumped Up Kicks” mash-up to *Evan*
 - “See you next year, if you’re still alive”
- *Tinker* – can restrict if substantial interference with operation of school?
 - Actual disruption and forecast disruption

Discipline - Students

- “Substantial disruption”
 - Breach of policy
 - Results in bullying
 - School violence
 - Interferes with educational process



Simulation 2 – Teacher

<https://youtu.be/mlvuWyasGtY>

Discipline Examples

- Pot picture posted
- Anti-bullying video
- Whistleblower
- “Liking”
- “Salem Confessions”
- “Hand over your password”

Discipline - Employees

- Standards of Professional Conduct
 - Principles for best practices, self-reflection and decision-making
 - Groundwork for self-regulation and self-accountability
- 1,500 decisions per day

Policies and Training

Establish a social media policy. If there are missteps, address them.



Discipline - Employees

- Teacher is regarded in light of an exemplar...words and actions likely to be followed by children. Teaching professional imposes a code of ethics upon its members.
 - *Vaughn v. Board of Bar Examiners*, 1988 OK 87, 759 P.2d 1026
- Responsibility inherent in the profession
- Highest ideals of professionalism
- Exert every effort to raise professional standards
- Vested by the public with trust and responsibility

I already wanna
bad? 19 more d



admin team planning
at PLC conference #oklaed #atplc



twitter.com

Like Comment Share

statistics say: >93% of
ctims are young Finnish
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ork, America..you just
ture.
j...the Founders, who
s of the God of the

11 Comments 3 Shares

DIGITAL DATA

In the past year, how frequent did the following evidence sources appear in your investigations?

