

## TOP 4 DOWNLOADS

SLRMA's Checklists are tools to help you avoid potentially damaging liability.

This month SLRMA Members' most popular checklists are:

1

2013 FLSA  
Checklist Update

2

Disciplining Students  
with Disabilities  
Self-Audit Checklist/Best  
Practices On the Use of  
Restraint

3

Avoiding FLSA  
Pay Violations Self-Audit  
Checklist for Substitute  
Teachers

4

Bullying: A Real Threat  
to Your School District  
and All of Your Students!



Checklist  
Excerpt  
Inside

## Student Social Media: A Pandora's Box of Potential Liability

Today's students have grown up in a digital world with easy access to computers, smart phones, etc. As a consequence of the growth of social media sites, the students' technical sophistication more often than not outpaces their maturity and ability to use such tools responsibly. The statistics from 2012 for the overall use of social media are staggering: monthly active users on Facebook total nearly 850 million; there were 175 million tweets sent from Twitter every day in 2012; and more than 5 million photos are uploaded to Instagram everyday.

Consider some real case scenarios regarding students' use of social media and determine how your school would respond:

- A student posts several messages on their Facebook page that he will kill the people he hates;
- A group of students create a website chronicling daily life at school that contains racist statements and makes sexually explicit comments about female classmates; or
- A high school student creates a fake online profile of her principal, which contains the principal's picture from the school website, crude content, disparaging remarks about the principal and his family, and allegations regarding his sexuality.

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Students' personal use of social media has already begun to impact schools through cyber-bullying, threats of violence, and disrespect of teachers and administrators. Such use of social media has resulted in suspensions and lawsuits against the school due to inadequate social media policies. Districts must walk a fine line between harnessing students' use of social media to further the education mission while simultaneously avoiding violating student's rights.

To help schools address students' use of social media, SLRMA has prepared its District Social Media/Electronic Communication Practice and Policy: Self-Audit Checklist and Best Practices. In Part 1, which is available for immediate download, we address Student Social Media Policies. Coming later this year, in Part 2, we address administrator social media policies. The use of these checklists will immediately help your school contend with an already contentious issue.

## District Social Media Policy Checklist Part 1: Student Social Media Policies

- ◆ Does the policy state that it does not typically apply to a student's use of Personal Social Media (such as the student's personal Facebook page)?  Yes  No
- ◆ Does the policy state that it may apply when students are engaged in Personal Social Media activities, such as Tweeting, that may substantially disrupt the educational program provided by the district (even if they are in their home using technology, such as a laptop, that is not provided by the district)?  Yes  No
- \* \* \* \*
- ◆ Does the district have a definition of Personal Social Media that covers students' personal use of the following categories of social media, if such media substantially disrupt the educational program provided by the district: websites, blogs, online social networks (including Facebook, MySpace, Instagram, Tumblr, Ning, and Twitter), wikis, photo and video sharing websites (including YouTube, Flickr, Vimeo, and Skype), and virtual worlds?  Yes  No
- ◆ Does the district's definition recognize that new forms of Social Media may develop and state that the policy will cover new forms of social media even if they are not listed explicitly in the policy?  Yes  No
- ◆ Does the policy state how students will be disciplined for inappropriate social media use (i.e. does the traditional disciplinary code apply)?  Yes  No
- ◆ Does the policy include language designed to protect students' First Amendment rights under the Constitution, and any similar rights granted under the relevant state constitution?  Yes  No
- ◆ Does the district include the policy in the student handbook or other written materials provided to students at the beginning of each school year?  Yes  No
- ◆ Does the district require teachers to educate students about the policy (and responsible social media use in general)?  Yes  No
- ◆ Does the district require each school to host assemblies to discuss the policy?  Yes  No
- ◆ Does the district inform parents in writing about the policy and provide a copy of the policy (or explain how parents can obtain a copy)?  Yes  No

This is a small sample of the 2013 District Social Media Policy Checklist, Part 1: Student Social Media Policies Self Audit Checklist.

**Download the complete checklist at [www.slrma.org](http://www.slrma.org)**

# In Memory

On September 23, 2013, we lost our good friend Dr. Jeff Mills. As Executive Director of the Oklahoma State School Boards Association and the Chair of SLRMA, Dr. Mills was a true champion of public education. His enthusiasm and dedication will be greatly missed and his vision will endure forever.



**Dr. Jeff Mills**  
Chair, SLRMA  
Executive Director,  
Oklahoma State School Boards Association

## Recent Dispatches in the Newsroom



**Log In and Download the Recent Updates That May Impact Your School District and Find Out What You May Be Missing**

### 2013 September - Special Education Student Bullying Receives Special Focus from Office of Special Education and Rehabilitative Services

The U.S. Department of Education's Office of Special Education and Rehabilitative Services ("OSERS") has issued a Dear Colleague Letter addressing school district liability for students with disabilities who bully and are bullied. As discussed in this client memo from Hogan Lovells, this letter indicates that OSERS' enforcement and scrutiny of this issue will increase in the near future.

### 2013 August - B. H. v. Easton Area School District

Can you ban student clothing or accessories that may appear lewd but potentially comment on a social or political matter? In this recent case from the Federal Appellate Court in Pennsylvania, a school suspended students for wearing bracelets that read "I ♥ boobies (Keep a Breast)". The Federal Court found that the school's ban violated the student's First Amendment Rights and further provided an outline for schools to follow when faced with ambiguously lewd student clothing or accessories.

### 2013 August - Pregnant and Parenting Students under Title IX

The U.S. Department of Education's Office of Civil Rights ("OCR") is poised to enforce the rights of pregnant and parenting students under Title IX. Recently, the OCR issued a "Dear Colleague" letter and accompanying pamphlet reminding school districts of their obligations under Title IX for retaining and engaging pregnant and parenting students. Thus, it is imperative that you download this new client memo from Hogan Lovells on the OCR's letter and pamphlet (which contains the actual letter and pamphlet) to ensure that your district has the policies and procedures in place to limit potential Title IX liability.

### 2013 July - Vance v. Ball State

The U.S. Supreme Court further clarified that a "supervisor", for purposes of holding an employer vicariously liable for Title VII, is one who has the power to take "tangible employment actions." However, you must read this case summary to understand those instances where the employer can still be liable even though the harassing employee does not have the official right or responsibility to hire, fire or reassign, etc., other employees.

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## Glendale school district says social media monitoring is for student safety

Glendale Unified is using a private firm in a bid against cyberbullying, suicides, drugs and other ills. Critics say it infringes on privacy and steps beyond schools' jurisdiction.

September 16, 2013 - Glendale California News-Press

**Download SLRMA's  
2013 District Social Media Policy Checklist Part 1  
Today to Protect Your School**