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Districts May Need Policies for Teacher-Student Communications on Networking Sites

The EDUCATION LAW GROUP at Lindabury has extensive experience in the area of school law. We serve as general counsel, special education counsel, and labor counsel for boards of education throughout the State.

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The increased use and popularity of social networking sites, such as Facebook and MySpace, have raised new questions regarding the boundaries of the student/teacher relationship outside of the classroom, as well as concerns about the suitability of information posted by a teacher on his/her personal page. The implementation of a district-wide policy, which establishes guiding principles and outlines standards for appropriate online behavior, is necessary to avoid potential future problems—which could have a devastating impact on both a teacher and a school.

Facebook and MySpace are among the five most-popular websites in the United States, and teachers, students and parents are able to connect with, or investigate, one another. A quick internet search using the terms “Facebook” and “teacher” exposes the depth of recent interest in, and controversy surrounding the use of social networking sites by teachers. Countless web-postings discuss the fragile line between appropriate and inappropriate, when a teacher and student interact electronically. The major debate, however, involves the type of information a teacher posts on his/her personal site, and how that information may hurt not only the teacher and his/her future career, but the school district as well.

In states including Florida, Colorado, Connecticut, Ohio, Tennessee and Massachusetts, teachers have been removed or suspended for their MySpace or Facebook activity (*Spanierman v. Hughes*, 2008 WL 4224483 (D. Conn. Sept. 16, 2008)). For example, a school district in Connecticut was recently, but unsuccessfully, sued by a non-tenured high school teacher whose employment contract was not renewed due to the district’s determination that the teacher was engaging in inappropriate conduct with students through his MySpace page.

Many teachers unions now warn members about maintaining personal websites. More and more school districts are scrutinizing social networking pages as a part of the background investigation of prospective teachers. In fact, the spokesman for the Missouri State Teachers Association, which is warning members to edit (*cont’d* ➔)

their profile pages, stated that certain superintendents in Missouri ask teacher-applicants during the interview whether they have a Facebook page and then examine the page with the applicant's permission on the spot.

In order to avoid future difficulties and to provide guidance to their staff, several school districts have now implemented policies that address teachers' online behavior, including any "virtual" interaction with students. In Mississippi, the Lamar County school board approved a new school district policy prohibiting teachers from texting or communicating with students through social networking sites. Similarly, a school district in Missouri recently implemented a policy that forbids teachers and students from being friends on Facebook or similar sites. Further, the Missouri state legislature is currently considering a law requiring every public school district to have a written policy concerning student-teacher communication,

which also addresses the appropriate use of electronic media and a teacher's establishment and use of a work or non-work related website.

Online etiquette, decorum, and understandings of privacy, or lack thereof, on social networking sites are still being developed. However, with nearly four-hundred million users on Facebook and MySpace alone, it is imperative for school districts to establish basic procedures and policies that may assist teachers and guide their use of any social networking medium.



The information provided here is necessarily general and is not intended as legal advice or a substitute for legal advice. If you have any questions regarding this Alert, please contact Anthony P. Sciarrillo of the EdLaw Group at edlawgroup@lindabury.com.



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