

Total Eclipse from the Start: A Training Guide for Administrators

It is that time again – early mornings, extra caffeine, and after school meetings, oh joy! This issue of the month will outline some hot topic areas in which administrators may want to have a “total eclipse” from the start with their teachers and staff to ensure a smooth transition into the new school year.

Social Media and Employees:

Facebook, Instagram, Snapchat, Tumblr, Twitter – the list of social media platforms seems to grow each year. As technology advances, an increasing number of employees are using social media to connect to other employees, parents, and students. Such communication can create liability for the district and its employees. As administrators, it is a best practice to encourage employees not to use social media sites to communicate with parents or students. This includes teachers “friending” students on social media platforms as well as discussing and/or complaining about students/parents on social media in any capacity. It is also a good idea to inform employees that their personal social media accounts are not “private” in the event that an allegation of misconduct arises because records may be gathered for investigative purposes. In that regard, privacy settings are very important. Encourage teachers to adjust the privacy settings of their social media sites to keep others from posting inappropriate material on their personal media pages without the teacher’s knowledge or consent.

****A few things to note about employee speech, whether it is conducted on a social media site or elsewhere: public employees have First Amendment free speech rights to comment on matters of “public interest” or “public concern,” which are things of interest to the public outside of the internal employment environment. An example of protected speech may be when an employee comments about the district’s policies or alleged misuse of funds. However, an employee’s speech regarding office politics, gossip, or personnel actions may not be protected.**

Teacher Discipline:

Most administrators spend a significant amount of time addressing student discipline. However, teachers are not immune from discipline when their actions warrant correction pursuant to district policies and administrative rules. The most common teacher employment issues that we see involve performance-related problems, violations of district board policy, and occasionally, criminal conduct. Though an isolated incident may not be an immediate cause for concern, it is important that administrators keep up-to-date records on any issues and disciplinary action taken in response to those actions. Maintaining written correspondence and acknowledgments of policy violations is highly

encouraged. This tool also assists in the future if an employee repeats behavior that was previously acknowledged through counseling and/or disciplinary action.

In addressing performance-related issues, there are a variety of informal ways that an administrator may approach discipline tactics. The administrator can require the teacher to implement an improvement plan, affording an opportunity for both the administrator and the teacher to track progress. The administrator may also utilize a formal improvement plan, such as ADEPT, to try and alleviate the performance issues, so long as adequate notice is provided to the teacher. Additionally, teachers are subject to discipline when they violate building level rules and/or district policies. When a rule or policy is disregarded by a teacher, the administrator may often refer to the rule or policy itself for the appropriate disciplinary action. For this reason, it is imperative for districts to keep rules and policies updated, so teachers are aware of the expectations and the consequences for failing to adhere to these policies.

While we sincerely hope that administrators do not have to address issues involving criminal acts by teachers, they still need to be aware that these situations do occur and need to be familiar with the appropriate disciplinary actions. Under state law, a teacher may be dismissed for conduct including, but not limited to, a conviction resulting from a violation of the law. Dismissal may be the appropriate action; however, each situation is different and requires a careful review based on the circumstances and district policy. It is advisable to contact district counsel when making these types of disciplinary decisions.

If you takeaway nothing else, always remember to DOCUMENT, DOCUMENT, DOCUMENT! Administrators should always document the issue, the disciplinary action(s) taken in response, and notify district administration and human resources, if warranted.

Now, on to a little refresher on bullying and the district's responsibilities –

Student Bullying:

The Safe Schools Climate Act of 2006 (the "Act") was created to require schools to have policies in place to address, prevent, and punish school bullying. The Act specifically prohibits harassment, intimidation, and bullying of public school students and requires all school districts to adopt policies to that end. It applies to conduct in a classroom, on school premises, on a school bus, at an official school bus stop, and at school-sponsored on or off campus activities. Teachers and administrators should be familiar with the district's policy on bullying/ harassment and understand their responsibilities when faced with bullying issues.

The Act also requires that any student, staff member, or volunteer who witnesses or has reliable information about an act of bullying report it to an appropriate school official. In responding to reports of suspected bullying, teachers and administrators should promptly investigate the reports, take appropriate action consistent with district policy, and carefully document all reports and actions taken in response to such reports.

Unfortunately, bullying and harassment increasingly involves communication carried out through electronic devices, to include text messages, email, and use of social networking sites – what we sometimes refer to as cyberbullying. If you become aware of bullying off campus – for example, bullying through online or social media sources – it is important to consider that you may have an obligation to address that bullying at school if it negatively impacts how the district conducts its business and/or interferes with the education of students. If you receive reports of off-campus bullying or cyberbullying, report it to the appropriate sources per your district’s policy so that the activity can be monitored to determine whether any on-campus bullying is occurring that should be addressed. It is sometimes possible for the district to take disciplinary action for off-campus behavior if the conduct poses a threat or substantially interferes with or disrupts the school environment.

As the 2017-2018 school year begins, White & Story sincerely hopes that your district has a successful year! Please do not hesitate to reach out with any questions regarding this information. Stay tuned for September’s Issue of the Month – A Primer on Student Discipline.