

DIGITAL MODEL CITIZENS: AN EXAMINATION OF TEACHERS' RIGHTS TO
PRIVACY IN A DIGITAL WORLD

by

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Under the Direction of Sheneka Williams

ABSTRACT

The focus of this study was to examine the rights of teachers in a rapidly evolving digital world. Our U.S. legal system has set the foundation for which our society is governed, but with new technological devices and applications produced and advanced at a rapid pace, many teachers' careers are in jeopardy due to ambiguity and/or lack of guidelines. In this study we examine: (1) What is the legal history and procedure governing teacher behavior and teacher's use of social media, (2) What type of social media networking policy exists at the district level and state level of public education in the state of Georgia, How are these policies implemented at all levels, (3) In one district, what are the leader's and teacher's perceptions of social media use. This qualitative study uses a semi-structured interview study to ascertain if educators know and understand the level of protections they possess given the guidelines of a school district. As technology continues to be used by both teachers and students, teachers need to be educated and protected in concern to social media applications.

INDEX WORDS: social networking, teacher offsite behavior, education leadership, privacy, digital citizenry, teacher rights

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DEDICATION

To the best parents a son could have, John and Susan Sonnier. The motivation that both of you have provided was paramount to the completion of my academic journey. The ability to continually crave new knowledge and apply it; is something that I hope to pass on to my children as well.

Susan, I wish you could have been there in person to see me graduate. As I walk across that stage, I know you will have the best seat in the house.

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CHAPTER 1

INTRODUCTION

In a rapidly evolving digital world, some K-12 teachers in Georgia are making poor decisions with social media postings that could have ramifications on their employment as a result. Educators have been held to a higher social moral code traditionally, and that standard has been mirrored in concern to educators and their online personas. Some educators do not deserve to have their employment terminated because of their online postings but remediated to maintain employment and prevent future regretful digital decisions. Teachers who use online social networking platforms must be treated without the presence of a double standard in concern for their social standing in the community. Teachers and their rights must be protected considering all the new developing technology that is employed in and out of the classroom.

From early beginnings of the teaching profession, educators, and their conduct has traditionally been held to a higher standard in the United States. Many stakeholders in communities believed that educators to be the example of morals. Lortie (2002) described this period of education with, “The status of teachers in Colonial America reflected the connections between their activities and the core values of that society” (p.10). During Colonial America, educators were typically clergyman, thus drawing the comparison by many to be considered as role models which portrayed an image of higher moral conduct. As time advanced and the teaching profession expanded to buildings outside of the church, educators still endured the behavioral expectations of clergymen. “Those who wished to teach had to accept stern inspection of their moral behavior, and more often than not the inspector was a clergyman” (Lortie, 2002, p.11). As women transitioned into the teaching profession over

time, there will still “expected to participate in church activities” (Lortie, 2002, p.12) which provided an association between the profession’s maturing foundation concerning higher morals and ethics.

This study seeks to determine if a dividing line exists between how educators use online social media for both personal use and professional purposes for which can be deciphered as a boundary to protect educators. By conducting a semi-structured interview with fifteen different, current educators, I will seek to develop connections between how educators use online social media applications and how they affect their employment. I will try to determine if school systems and their policies can offer some type of remediation in lieu of dismissal for teachers that make poor decisions with their digital behavior. The findings of this study seek to add clarity to policies and guidelines in school systems that need guidance concerning educators and their online activity.

Problem

In an evolving, and increasingly digital world, educators are defined by their actions both in the classroom and in cyberspace. In the past, a teacher’s reputation could travel by word of mouth while students follow a path through various grades in the local school setting. That teacher’s reputation would either survive the test of time and slowly grow as a legend or fade into obscurity. The creation of the Internet and the various online applications that have developed over the last ten years have created a much faster path to fame, positive or negative, and a seemingly immortal existence for a teacher’s identity and reputation. Whether a teacher creates an online profile that they use for blogging about their subject matter or they are caught doing something that someone else could deem as inappropriate behavior, these digital artifacts are ever-lasting on the Internet. As time passes, teachers no longer have the luxury of students forgetting who they are or what they did. Instead, their actions extend into cyberspace and is

searchable and highlighted to live on digitally. Given the ever-evolving nature of the internet and associated applications, a person and their story could be documented and known for generations of people searching online texts. This ‘digital footprint’ is easy to create, but difficult to expunge from existence.

In today’s schools, teachers and their reputations can not only be preserved by students via text messages, pictures, and video; but blogged about on the internet and spread across school systems as well as state lines. Stakeholders conducting online searches can populate vast lists of accumulated data on teachers, current and former, to develop opinions and expectations about places, dates, incidents, and patterns. Theoretically, prospective teachers are subject to online searches by students while they are going through the student teaching program processes. If there are searchable prior to full time employment, their off-site digital activities could end their possible careers before they start.

The perception of teachers has become more dynamic with the widespread adoption of the Internet and its various digital tools. Teachers and their lessons no longer come to a halt as the school bell rings and students leave their physical classrooms; their voices now can be continually transmitted because of social networking sites as well as other learning management systems. Communication is constant, and the mediums continue to increase the amount of information that is transferred across integrated networks.

As time flows, the teacher must learn to balance society’s expectations of teacher behavior with the growth of social media and the subsequent technology use policies developed to help the teachers navigate the modern culture. This idea is becoming more prevalent when thinking about the number of preservice teachers who choose the education field.

Expectations of Teacher Behavior

Many communities view teachers as ethical leaders amongst the rest of society; serving as a moral compass for all. When teachers provide one of the examples for a community, it can create difficulties for teachers to lead private lives. As a result, educators have faced many dissects due to their private activities during life away from the classroom. Whether they are in the privacy of their own home, shopping in their local community, or on vacation hundreds of miles away from their community; educators are scrutinized for their behavior. While community members can express their opinions on any topic freely without fear of persecution, teachers are not allowed to “vent” or express the same form of communication due to the pressures of being a role model.

Social Moral Code. Employment in education carries a variety of honors, obstacles, and questions for the individuals that seek to become educators. Lortie (1975) described that social position of educators with:

“The services performed by teachers have usually been seen as above the run of everyday work, and the occupation has had the aura of a special mission honored by society. But social ambiguity has stalked those who undertook the mission, for the real regard shown those who taught has never matched the professed regard.” (p. 10)

Many stakeholders can have personal lives that do not interfere with their professional careers and thus are able to operate within and outside of the social moral code. Educators are held to a higher standard and do not get the same treatment as many stakeholders. Lortie further described the appearance of teachers with, “teachers were valued members of local congregations and neighborhoods but could not command deference when they competed with men of broader cosmopolitanism and prominence.” (p.11) The term “moral turpitude” is the term that many

teachers hear when their behavior is being discussed with the possibility of losing licensure.

Moral turpitude as defined by Georgia Professional Standard Commission which is mentioned in

Davis (2000):

“Turpitude in its ordinary sense involves the idea of inherent baseness or vileness, shameful wickedness, depravity.... In its legal sense it includes everything contrary to justice, honesty, modesty or good morals.... The word ‘moral,’ which so often precedes the word turpitude, does not seem to add anything to the meaning of the term, other than that emphasis which often results from a tautological expression. All crimes embraced within the Roman’s conception of the *crimen falsi* involve turpitude; but it is not safe to declare that such crimes are the only ones involving turpitude.” In *Ramsey v. State*, the court said that a crime involving moral turpitude is one which is *malum in se* rather than *malum prohibitum*. In Georgia, the test for whether a felony is one involving moral turpitude is “does the [crime], disregarding its felony punishment, meet the test as being contrary to justice, honesty, modesty, good morals or man’s duty to man?” (p. 223)

This statement in concern to moral turpitude is credited to Davis in several school districts in the state of Georgia.

Double Standard vs. Expectations. Educators must meet a certain level of expectations that are set by stakeholders in the community in which they are employed. When stakeholders are aware of what an educator does in their private time, many take issue if it does not conform to their morals or ethics. Because educators must continually maintain behavior of a higher moral code, while community stakeholders do not share this sentiment equally; a double standard exists. A line between what is considered a teacher’s professional life and his or her personal life begins to blur with the increased use of social media and technology. There is an absence of legal

protection for school employees in an Information Age that rapidly evolves. This lack of protections for educators and their personal life continues to be the subject of a multitude of court cases and school district policy battles. Puzio (2013) comments on the importance of these types of protections with the following:

Although many scholars believe that the Supreme Court has not concretely defined the extent to which certain activities are protected by academic freedom or the limitation on the right, the Court has clearly and extensively articulated the central concerns of the principle. The Court first articulated many of these concerns in *Sweezy* explaining that teachers play a vital role in democracy, and, in order to maintain an effective democracy, teachers must be free to explore new ideas. (p. 1118)

The Information Age continues to develop new, innovative iterations of technology while in a world that lacks definition(s) for all that use the devices and services, thus leaving everyone vulnerable to adverse effects of use.

If clearly written laws do not protect public educators, how will teachers be able to do their jobs in a society that is rapidly evolving technologically? Furthermore, will future teachers be held accountable for their actions before they were licensed teaching professionals? The implications of digital behavior cast a wide net of uncertainty in the future of educators and their role in American education. Private and public spaces have combined due to the amount of technology that ranges from cell phones and digital tablets in people's hands, mounted on a pair of glasses that stream or record video, to wearable technology embedded in clothing. Individuals of all ages have adopted these digital devices and services to use them for a variety of instances during the day. As these devices are being used seemingly always, privacy has become scarce as a result.

Teacher Rights. Citizens of the United States have long employed the Amendments of the U.S. Constitution to help voice their opinion, defend victims, and define individual rights of the people. The amendments outlined in this study are the First Amendment, the Fourth Amendment, the Fifth Amendment, and the Fourteenth Amendment, which will guide this study to help frame the analysis of data collected from the interviews. The Amendments have been defined in Chapter Two of this study as well as summarized with key Supreme Court cases that define the strength of each in relation to education, teacher rights, and social media. Cases involving public school teachers and their rights were collected and summarized for this study.

Growth of Social Media.

Social networking sites serve as tools for communication, self-expression, and information-gathering; but as a learning tool in and out of classrooms. The popularity and usefulness of participating with social networking sites continue to become larger with each new device that can use its services and will not be diminish over becoming more present in everyday life. Hodge (2007) commented on the quickly-growing nature of social networking sites with, “Facebook is the seventh most visited Web site on the Internet, which puts it in the company of giants like Google.com (sixth) and ahead of Amazon.com” (p.96). Growth concerning these services is attributed to the concept of popularity while new social networking sites and applications are constantly being introduced and marketed to the digital culture. As of this document; there are roughly four hundred different social networking services that are actively used while fifty various social networking services are now defunct. The market is rapidly changing to keep in-step with not only socio-political contexts with the rapid adoption of technological devices that use these services to complete tasks. Social networking applications

have been adopted by countries where technology is a rarity because of the need for communication.

Historical Context. To begin establishing an answer to the question of when did the line between an educators' personal and professional lives begin to merge, we have to examine the past of American public schools. Carter (2008) points out a document that outlined rules that some would view as archaic even for that time concerning teachers:

A 1915 document outlining rules for teachers, such as "you are not to keep company with men" and "you must under no circumstances dye your hair," is often seen posted on classroom walls as a tongue-in-cheek reminder of the way things used to be (p.683).

When discussing the history of American Education, religion must be discussed as being instrumental to the foundations of our schools. Even at a time when religious principles and values were thought of as essential component in early American schools, much was disagreed upon in concern for what a teacher was able and unable to be associated with. Shotwell (2010) comments on this topic with:

While modern schools are increasingly secular, the Protestant influences persist. Major curriculum and student conduct battles were fought in the last century so that now, any hint of religion is regarded as suspicious in public schools. However, Judeo-Christian standards of moral conduct have continued to control the private lives of public school teachers (p.37).

Early American schools had humbled beginnings that revolved around social systems that were easily defined with the times. Shotwell (2010) comments about what historians believe about early educators with, "these earliest teachers were predominately female, the architects of the school system felt permitted to create an identity for the public-school teacher" (p.4), many of

whom were willing to work for little or no pay at all during their tenures of being a school teacher. Since there was no governmental body that regulated how early education districts/schools were to exist, many schools were formed with religious foundations. Early educators were willing to accept little compensation for an occupation that was largely viewed as an integral component of building the foundation of society; it was considered a necessary duty.

The considerable amount of schools that existed was religious in nature; which, Shotwell (2010) contends, "necessitated strict moral codes and dictated qualifications of teachers" (pg.4), served as the foundation of early American schools. With these early developments, educators were compared to that of the clergy and had several standards to meet because of that comparison. The entire establishment of how schools were founded, operated, and were governed was based religious beliefs. With many of the teachers in America being female, they were paid less and used unfairly in comparison with that of their male counterparts. In fact, Shotwell (2010) illustrates, "Schools routinely paid unmarried women less than men because unmarried women were thought to bear only the burden of supporting themselves, while married men had to support their entire family" (p.5), thus illustrating the point that they were not treated whatsoever given the circumstances, which Shotwell (2010) argues led to:

Pay inequality and restrictions on marital status represent the context in which the earliest female teachers found themselves entering the workforce. They acquiesced to employment contracts that denied them privacy, shaped their public identity, and imposed a stringent moral code upon them (p.5).

Due to social standards at the time in the late 1800's, some of those norms have capitulated to circumstances of the present day with little change regarding what teachers endure over the tenure of their career. Whether educating in a small town with one schoolhouse or facilitating an

early, burgeoning school system; educators had many obstacles to overcome. Having little recourse for arguing their rights, many teachers accepted little pay if they were paid at all. Not only were early teachers supposed to accept little to no pay but have little to no privacy as well. This was the state of a teacher's life for quite some time, and some may argue is still the same today with even greater scrutiny given the ever-increasing use of technology to record and share events. Shotwell (2010) brings this topic into the debate with:

In 1890, when modern technology was in its infancy. Justice Brandeis cautioned that "numerous mechanical devices threaten to make good the prediction that 'what is whispered in the closet shall be proclaimed from the house-tops.'" But respect for teachers' privacy has lagged behind respect for other citizens' privacy because of the long history of community-prescribed conduct and identity for teachers. And today, communities can monitor their teachers in infinite ways (p.38)

As far back as 1890, teachers have had a chasm to overcome when it deals with the amount of rights that they are granted based on their occupation. And the comment that Justice Brandeis made at that time has come to fruition during the present day in our classrooms.

As years passed, teachers continued to educate the youth of the country while their rights hung in the balance. In 1968, a milestone court case occurred involving a teacher who published a letter in the local newspaper attacking the local school board's handling of the 1961 bond proposals and its ensuing allocation of financial resources between the schools' educational and athletic programs. Pickering, whom was the teacher that published this letter to the editor, was consequently fired for the letter's publication. It was ruled as Sanchez (2009) states that:

In *Pickering*, the Court ruled that a public employer had to show a "compelling state interest" before firing a teacher for speaking about matters of public concern. In such a

case, the court must balance the rights of the employee against the public employer's right to run an efficient workplace (p.725).

The Pickering case represented the best example of free speech for public employees in relation to that of free speech in other professions. The result of the Pickering case is still used in a multitude of arguments in United States courtrooms today when discussed in relation to matters of teachers and their online behavior when they are not present in the classroom.

There were a variety of problematic situations presented to early teachers. Another problematic concern was when the definition of "immoral conduct" became the solution for many school boards and school governing bodies to use as language in denying contracts to teachers that did not meet that code. This term did not meet opposition till 1969 when a California Supreme Court issued a decision for Morrison v. State Board of Education. Shotwell (2010) comments on the importance of this case, "was a landmark case that afforded more protection for teachers' privacy and due process rights" (p.8). The case featured a teacher, Fred Schneringer, in California that was dismissed when it was reported that he had engaged in homosexual relations with another teacher, Mr. Morrison, at his apartment. Mr. Morrison reported the activity to the local superintendent and resigned due to the activity. Following the resignation of Mr. Morrison and dismissal of Mr. Schneringer, nineteen months later, the school superintendent filed to revoke the diploma and certification of the teacher who had admitted to the homosexual relations. It was argued that the California Education Code was violated since "immoral" and "unprofessional conduct" occurred. The court ruled that "petitioner's actions cannot constitute immoral or unprofessional conduct or conduct involving moral turpitude within the meaning of section 13202 unless those actions indicate his unfitness to teach." (How to quote findings of a Supreme Court case?) In summary, if the personal behavior of a teacher has no

bearing on his or her teaching in the classroom, they may not be dismissed because of that private behavior.

The merging of the two lives has been somewhat sensationalized from before 1960 to present day, with tales ranging from educators making poor decisions to misunderstandings that land a teacher out of work with either little to no due process or no proceedings whatsoever. Working to shape a more stringent classroom, many in society believed that the classroom should display the moral and ethics of the time. There are a bevy of stories that depict scenes of a time when teachers had little support to contrast with a present-day environment that is similar in tone, but different outcomes occur. DeMitchell (1990) comments on one of the stories have been so wildly reported from even before 1960 with:

In West Virginia in 1928, women teachers were required to fasten their galoshes all the way up. An Arkansas school board prohibited the wearing of transparent hosiery, low-necked dresses, and cosmetics. One rural teacher lost her position because the wives of the prominent citizens complained about the poor quality of her dresses. (p.382)

These stories serve as examples of instances that could be argued in which none of them had any bearing of what those individual teachers did while in the classroom with students, but the perception of the public doomed them and their career. The blurring of the line between public and private behavior merged in ways that depict a grim outlook for teachers if support is not present. As circumstances and times changed, educators still felt the "moral code" behavior pushed from all directions to not only be taught during school but follow them home.

Social networking sites have become a common utilization of technology today. People from all backgrounds, ages, and professions have been using this technology to share ideas, communicate with one another, and use services provided by social networking sites to enhance

their resume. However, these sites have provided society another set of lenses for which they can invade the private lives of educators. The stories of teacher's misfortunes have been multiplied and exacerbated due to social networking and its use. Teachers have been using features on various sites that allow them freedom of expression in an electronic form. Some of the 'postings' have had an adverse effect on their employment, let alone their livelihood for their future. The use of 'Facebook' has caused several teachers to seek employment elsewhere due to written, journal-like postings as well as the posting of pictures that portray themselves in a different light than what they are thought-of when they are in the classroom. Social media has been present in some medium whether physical or electronic for the last fifteen years. The earliest forms of social media existed with text-based forms and have evolved into pictures, films, and online systems that feature biographies of individuals that are housed online. As technological devices advance, social media evolves, and people discover new ways to 'publish' themselves as a result. The use of social networking sites has been a medium for educators to consider for not only personal use as well as classroom use. Sites such as Edmodo and My Big Campus have been used in classrooms for several years. These sites offer a variety of services that allow for rapid information allocation, documented communication between teacher and students, and multimedia integration to curriculum development. Services these offers not only a connected network of lifelong learners but enable students to connect with one another to build knowledge about course content and activities.

Classroom 2.0. In today's classrooms, educators are using learning management services and software such as Its Learning and Canvas to facilitate learning activities and keep learning occurring once students have returned home. This type of learning strategy is called 'flipping the classroom', which integrates into classes that are either blended learning or one-to-

one regarding technological devices. Teachers who are using these online resources are now opting to have students turn in their work via digital file format or post a multimedia project online to be graded automatically by an automated system or a teacher using a modified grading program online. This implementation concerning the use of digital resources facilitates a virtual classroom that reaches from beyond the schoolhouse and into many students' homes. As a result, there is an increase the number of interactions between teacher and student outside of the classroom; many critics believe this increase to be detrimental to students since teachers and their offsite behavior should never enter the classroom, whether positive or negative regarding an interaction. Even with these sites offering varying levels of protection, the possibility for them to be hacked or used in poor taste is still possible. The door for this type of indiscretion is always open in a digital respect. Lack of privacy is a valid concern for many who believe that educators should use social networking sites.

The personal use of social networking sites is finding its way into individual classrooms, and many believe to be the new method of reaching students in a medium they have become accustomed to using in a variety of ways. Today's students are spending less time with physical, social interaction and opting towards socializing online with one another. Educators who are noticing this trend with their students have begun using social networking sites to boost their curriculum whether the students are in or out the class. Many supporters believe that the use of social networking sites between teachers and their pupils may develop/boost rapport between the two and possibly increase classroom management abilities which could foster student engagement and improve student achievement. A battle has been brewing as a result between the two camps, and the educators are stuck in the middle wondering who will support their cause and who will empower them with protections in case something negative occurs.

As educators increasingly use social networking sites, this dissertation attempts to examine the protected rights of educators and the use these services personally as well as professionally while investigating the lack of protective policies in, with the aspiration to identify the necessity for clear, well-defined guidelines. What protections exist for educators concerning their digital rights? The focus of this dissertation will include federal court rulings, state court rulings, and local school districts in the state of Georgia.

The questions associated with the proliferation of different, useful technological devices continue to develop as applications spread, together with the increasing transparency of teacher's private lives presents a variety of issues to examine. What are the boundaries that exist, if any, that teachers need to be aware of when completing activities outside the school building? How can teachers be proactive to make sure that the behavior that they journalize on social media does not have adverse effects on their employment. This study seeks to explore the definitions of free speech, due process, social networking sites, uses of social networking by educators, instances that led to educator dismissal and tools to increase educator competency concerning social networking. There exists a need in response to a set of guidelines which helps educators be aware of what they can and cannot do while they are employed with a school system. There is a need for the courts to determine what a school system administrator may be able to discipline teachers' due to their online behavior. Naito (2013) describes the challenge for this to occur with:

the use of social media has led to recent legal challenges by both employees and employers. The courts have been slow to catch up, as has often been the case with emerging technology, thereby leaving employees and employers with little guidance on

how and when an employee's Fourth Amendment privacy protection is triggered by the use of social media. (p.2)

This emerging technology has been evolving so fast that the courts are having a difficult time of adapting and developing laws to govern educators from administrators to teachers.

Current Context and Implications. Social networking does not only apply to Facebook or MySpace; but includes Google+, Twitter, Instagram, Flickr, Pinterest, and other various social networking services and any other technological means of interacting among online social landscapes. Malesky Jr. (2011) defines social networking sites as:

A linked collection of Web pages that allow members to communicate with one another, as well as post personal information including blogs, pictures, and videos.

Communication may occur using email, simultaneous chat, posting messages on a bulletin board, and even playing games created to spark interaction among members.

Many social networking sites offer a privacy feature where members can limit access to posted information. (p.136)

Posting of personal status updates, pictures, and video feeds has become an Achilles' heel for many teachers who are in many ways and cases, unaware of the implications of their offsite behavior.

School systems are no longer worrying about just electronic mail in the workplace, precautions and interventions are slowly working their way into the system. The difference as Naito (2012) describes in his comment concerning employees' social media usage and other forms of communication by educators:

All of the previously listed types of social media, to varying degrees, intend that the information be shared with other people besides an intended recipient. In most cases,

unlike e-mail and text messaging, the information does not have an intended receiver; rather it is posted for viewing by a group whose members may or may not have been limited by the original poster. (p.4)

Moreover, whether they are friends or acquaintances with the individuals that have access to view happenings of their account, the level privacy is no longer present regardless. There have been many educators who have acted in a way that deemed as socially unacceptable; thus, losing employment for an action that performed outside of school time and place. However, there are many cases of educators who are not breaking the law or bending moral or ethical codes of conduct.

Teacher Misuse. There are several reasons why educators choose to interact with these social networking sites. Many achieve a sense of understanding from peers and maintain relationships using social networking sites. Others post feelings as a manner of journalizing their behavior, thoughts, feelings, actions, and histories. Several educators have employed this technology and used free speech as an educational tool to help with their craft in and out of the classroom.

There have been very limited amounts of research committed to defining where the law stands on the issue and what policy and practice recommendations can be made to build a policy that acts as boundaries for educators to shape their online behavior while they are employed. Presently, not one encompassing policy has been adopted for educational systems within the state of Georgia. Many school systems have developed a series of rules with consequences listed, but nothing has been prepared at a state level. There have been a few, powerful court decisions concerning educators and their social networking behaviors. This dissertation examines these court decisions as well as the policies that were a result of educators participating in social networking sites in a way that their school districts thought were “unbecoming” of an

employee. This behavior can define what the Georgia Professional Standards Commission consider as, “conduct that impairs and/or diminishes the certificate holder’s ability to function professionally in his or her employment position, or behavior or conduct that is detrimental to the health, welfare, discipline, or morals of students. (505-6-.02 p. 4) As future educators prepare for future employment, a level of self-awareness will need to be raised. Educating future educators on the precautions to follow when using social networking sites will enhance and prevent future poor decisions. Some type of guideline or treatments must be developed and distributed to future educators while in preparatory programs at the college level and beyond. This document will serve to inform the future of such a document or presentation.

Technology Use Policies. Increased levels of technology have led educators to be mindful when they conduct themselves not just within the walls of a school building, in public, and within the confines of their private residences. Educators must be mindful of their school system’s guidelines, rules, or policies regarding online social networking profiles. This type of policy may restrict any behavior outside of the school to maintain a professional reputation with the local school district’s stakeholders. If a teacher decides to commit any act that is deemed inappropriate by school officials, he or she could be terminated from his or her position. Even if the teacher commits this act in the privacy of the residential space outside of contracted hours, the perceived transgression’s fallout can evolve into the termination of employment. These concepts and incidents are evident at the state level as well with the Georgia Professional Standards Commission rules and principles of ethics that covered in the section regarding terminations. In Georgia, a teacher may be dismissed for the following: (1) Incompetency; (2) Insubordination; (3) Willful neglect of duties; (4) Immorality; (5) Inciting, encouraging, or

counseling students to violate any valid state law, municipal ordinance, or policy or rule of the local board of education; (6) To reduce staff due to loss of students or cancellation of programs; (7) Failure to secure and maintain necessary educational training; or (8) Any other good and sufficient cause. (§ 20-2-940) The “any other good and sufficient cause” (§ 20-2-940) stipulation is the basis for which many teachers have been terminated because of their digital behavior while using online services. These terminations shift from objective to subjective when left up to individuals in power that must decide which includes morals, opinions, and other external factors that reflect bias in a multitude of fashions. Darden (2009) mentions possible methods that self-imposed discipline would help:

1. *Keep your privacy settings high.* Set up the electronic screen so only people whom you choose to relate to can see it, rather than everyone in the world. Restrict your page to true, real-life friends. Do not make pages accessible through regional groups or other portals.
2. *Use discretion.* Don’t say anything on Facebook, MySpace, Ning, LinkedIn, or any other site that you would not say face-to-face and out in the open.
3. *Never communicate with students.* That goes not only for current students, but also applies equally to younger students who potentially could be in your class in the future and to students from the past.

These types of voluntary, deliberate actions by educators illustrate a proactive response to a lack of policy or set of guidelines but are still open to the subjectivity of persons in-power amongst a school district.

Using social networking sites has only increased with the rise of technology and the prevalence of emerging technological devices. In the classroom environment and their spare

time, educators continue to use social networking services. The offsite behavior of educators continues to be the source of many complaints from stakeholders in a gradually less private world. The definition of offsite behavior varies depending on the defining institutions. Many local school districts define offsite behavior as all activities that occur while somewhere other than at a school campus or/with the school's property. Warnings continue to mount for educators that their online and offline behavior as well as onsite or offsite can be detrimental to their career.

Increased levels of technological equipment coupled with the continued prevalence of individuals using technology in new ways provide an easier method to complete work more efficiently and communicate with a larger number and variety of people more rapidly, which in turn could be influence for positive and/or negative behaviors or outcomes. The use of emerging technological devices has developed a medium for which more information may be gathered and shared across multiple platforms about individuals and their personal lives.

Research Questions

The purpose of this study is to examine the legal ramification of K-12 teacher social media postings and Georgia Schools' Technology Use policies. The following research questions guide this study:

- 1) What is the legal history and precedence governing teacher behavior and teacher's use of social media?
- 2) What type of social media networking policy exists at the district level and state level of public education in the state of Georgia? How are these policies implemented at all levels?
- 3) In one district, what are the leader's and teacher's perceptions of social media use?

Contributions of This Study

This study is meaningful and contributes to the current body of literature because there is a need for more research in the field that examines teachers' use of social networking sites and the impact of their offsite behavior. The data collected and analyzed in this study will be used to develop an understanding on the existence and definition of the dividing line between educator's personal use and professional use of social networking sites. Does fear of retaliation serve as a deterrent for educators who would like to use social media applications during off-school hours? This study seeks to develop answers to that question, and a host of others that may be presented as the study is conducted and analyzed. There have been few studies done to review these factors and their impacts on educators in Georgia. The included study will offer a glimpse at the assumptions of the researcher and the interviewees, along with the thoughts and opinions of all included. This study is a step towards offering some assistance with understanding teachers and their digital rights.

Limitations of the Study

This study was limited to the state of Georgia cases and certain federal case law surrounding free speech, due process, and privacy law. Correlations between the court decisions and the impact that each have had on building precedent are significant to this study. Many counties in Georgia do not have guidelines or restrictions that curb or forbid public employees from interacting with online social networking platforms. This study is limited to questioning administrators, teachers and legal counsel who have been involved in some form of social media networking and their position as a public-school educator. This study is limited by the scope of interview questions and the way each is answered during each interview. There are many states,

and local school districts, which do not currently outline the restriction of social networking sites to their employed educators, which left them out of consideration in this study. There are some legal issues which may have been involved in some of the cases that are present in this study but were not considered to be relevant when researched and analyzed; therefore, are not discussed for interpretation or consideration.

CHAPTER 2

REVIEW OF THE LITERATURE

The purpose of this chapter is to outline all the legal proceedings, legislation, and policies in relation to digital teacher rights and the use of social networking sites. In this chapter, I begin with the legal background that starts with Hammurabi's Code, which will serve as a foundational block, along with other significant historical and legal landmarks that will serve as relevant knowledge for this study. The historical events listed will be presented in chronological order to illustrate the connections between the court rulings and the rules which govern public educators in Georgia. There will be references to historical events, which have dictated policy in both local and state school systems. I will examine court decisions from landmark cases that have given significant justification to the type of policy, which is being followed in education and thus further illustrated. As I examine the court decisions, I will make it clear to the reader why I have chosen the cases in relation to the research questions. Many of the court decisions will not only be summarized but expanded upon to give reasoning in scope to the topics discussed in this study. I will conclude this chapter with a depiction of the important court decisions which had a significant impact on public education law and policy and have implications in this study and its findings.

This chapter supplies definitions of terms and items of this study; as well as summarize historical events, which have shaped the outcome for many who have been affected by a lack of policy or legislative protection. Previously, government positions were a privilege and those employees were believed to have surrendered some of their rights in the process. There was a noteworthy shift in the 1970s that allowed government employees to begin reclaiming their

rights to free speech, due process, and property. These events, which are relevant to the study will be noted in a chronological manner. The definitions of terms that are possessed within this chapter are accurate concerning the current use of the technological item that is being used and described. The court cases have been identified as being integral to the study and have analyzed and interpreted for the topic.

Legal Foundations

Civilizations of the past have provided definitions concerning how their societies and cultures would be governed. The record of history serves as a catalog by which we generate a foundation to build upon which includes a series of rules, codes, and laws that we build from. Whether the codes or laws defined what could or could not happen, they offered a semblance of expectations for society to be guided. Though often debated, these laws have served as a foundation and evolve for the most part, as societies evolve and change. In the following chapter, I begin with the Code of Hammurabi and highlight other sets of law that builds towards the foundation set of governance that are the United States Amendments. From there, I summarize all the Supreme Court cases that set precedent using the Constitution as the basis for each ruling. I conclude this chapter with other court cases that contain teachers and social media and their rulings that had an impact on the social media policy throughout public school systems in the United States and Georgia.

Historical texts confirm the use of procedural protections in the Mesopotamian Code of Hammurabi (circa 1772 BCE) that include notions like that of our due process. An example can derive from, the ancient legal writing provided for fair notice of the law and established a mutual rule of law for its citizens. The well-preserved Babylonian Code's stated purpose was "to give the protection of the right to the land...Moreover, brought about the well-being of the oppressed." These procedural protections served as a guide for future civilizations and are often

identified as the basis for what many consider foundations of law and protections.

The rights of man are addressed during the earliest provisions of the Magna Carta. This document is known as “The Great Charter,” written in 1215; this document was authored by barons who sought to protect their rights and property against a tyrannical ruler, King John. This text is considered one of the earliest of its kind to establish the idea that rights are given to people from God. Even though the barons that authored this document refer to themselves and not all people who consider themselves, “freeman”; they sought to offer a different belief of how governance was defined. The Magna Carta at its foundation was an attempt to identify individual rights and the idea that they must be respected by the government (National Archives & Records Administration, 2007).

The Magna Carta contained not only ideas of equal rights but acknowledged an individual’s right to property and due process of law. No longer would the monarchy decide to strip ownership of property from the “freeman”, but there would be a process for this to occur. This was addressed from the following declaration from the National Archives (2007):

No freeman shall be taken or imprisoned or disseized or exiled or in any way destroyed, nor will we go upon him nor send upon him, except by the lawful judgment of his peers or by the law of the land. (para.29)

Individuals would now proclaim that they had natural rights to property and would no longer recognize the King, who gave them this right, but God. This was more than a proclamation, though; it was a precedent that would stand as a symbol in history that individuals held rights.

The Magna Carta was the source of the Fifth Amendment to the United States Constitution, which protects individuals from abuse of government authority during legal procedures. The right to due process gives individuals the rights of notice and hearing, and an opportunity to appeal decisions for an impartial review under the law. If the due process did not exist, anyone could be imprisoned or stripped of property without cause of any kind. In current times, all educators who use social networking sites, have the right to due process and may not be stripped of their position without cause.

Penned in 1776, The United States Declaration of Independence is a proclamation that sought to outline why the original thirteen colonies desired independence from Great Britain. This document calls for individual rights of man and equal protection to those rights. Quoted not only in the document itself, but well over in several iconic speeches and located in the National Archives (2014), “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness” (para. 2) This statement refers to human rights that are interpreted today by leaders of the United States and are the basis of many beliefs held in policy standards.

The United States Constitution serves as the foundation of the organization and the operation of the federal government. This document serves as the building blocks that the founding fathers of the country considered something that all others would conform. In contrast, The Bill of Rights serves as a list of individual rights of the people. The amendments that are outlined which this study is concerned are the First Amendment, the Fourth Amendment, the Fifth Amendment, and the Fourteenth Amendment.

The First Amendment states that the government “shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.” This statement begins the Bill of Rights with a list barrage of basic items that the authors seek to begin this new government. With this declaration, echoes from the forefathers of the country can be heard today when in concern for people’s rights and free speech, let alone the freedom of religion, or protesting the establishment.

The Fourth Amendment puts an emphasis on the government not being able to commit illegal search and seizure of one’s property interest; probable cause must be obtained to grant this form of search. The language of the amendment states:

the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

This amendment further served to protect an individual’s rights against government intrusion. During *Katz v. the United States*, Naito (2012) explains, “the Court expanded the Fourth Amendment's protection beyond mere physical intrusions based on the reasoning that the amendment protects "people - and not simply "areas' - against unreasonable searches and seizures.” (p.3) Many people believe this to be an instance that prompted the proposal which refers to Fourth Amendment’s main purpose of protection to include the “expectation of privacy.” In any case, individuals that are seeking protection from some of their online, social missteps have brought the Fourth Amendment into the argument as a defense.

The protection of a person's due process is the main topic included in the Fifth Amendment. The Fifth Amendment states that individuals cannot "be deprived of life, liberty, or property, without due process of law." This Amendment often refers to many teachers' rights to property through their employment is protected by due process. The Fifth Amendment is another defense for an educator which is brought up when arguing for their livelihood in court after posting something inappropriate online.

Lastly, the Fourteenth Amendment introduced both the Equal Protection Clause and the Due Process Clause in the inclusion of the rights of the people. The purpose of the Equal Protection Clause seeks to guarantee that the law will be exercised upon each in an equal manner while the Due Process Clause restricts state and local governments from depriving people of their right to life, liberty or property without certain steps taken to ensure fairness. This Amendment is sought to ensure constitutional protections to government employees as well. Section one of the Fourteenth Amendment states, "nor shall any State deprive any person of life, liberty, or property, without due process of law." Ratified in 1868, the fourteenth amendment recognized citizenship rights and rights to "equal protections of laws" with former slaves being central among those protected by the amendment. Since it was ratified, this protection has been interpreted broadly to include many groups who seek its protection, such as government employees, and more precisely; public school teachers.

Supreme Court Case Summaries

The following Supreme Court cases and their rulings have had an impact on public education in the United States and Georgia. I have researched the elements that formed the court cases and the subsequent rulings that followed. In each case, I have examined the nature of the

case, the reasoning for each of the rulings, and highlights from the case which inform how we view social media guidelines in public education. Each of the summaries contain the relationship to the corresponding Amendment and the impact on social media guidelines.

Olmstead v. the United States

This court case which discussed issues regarding the Fourth Amendment and wiretapping and privacy occurred in 1928 is included in this study due to the nature of the assertion by the prosecution against the defendant. This case concerned the use of evidence from a wiretapping of an individual without prior judicial approval. The decision of the case ruled that using the wiretapping of a person without a warrant was considered admissible in court. Delivered by Chief Justice Taft (1928):

It is our opinion, therefore, that a compulsory production of a man's private papers to establish a criminal charge against him, or to forfeit his property, is within the scope of the Fourth Amendment to the Constitution in all cases in which a search and seizure would be, because it is a material ingredient, and effects the sole object and purpose of search and seizure. (p. 277)

With a five to four decision, the court held that neither the Fourth nor the Fifth Amendment was violated because of this type of the wiretapping. This decision took place for almost forty years until it was overturned in 1967. This ruling is important to this study because of the correlation with social media usage by public educators. If a social media user posts something online, whether a picture, a text post, or audio post; the public has free access to this information. This information can also be viewed by employers and stakeholders, which could in turn, lead to possible termination of employment if deemed inappropriate. And even though the decision was overturned in 1967, this case leaves an echo in legal legacy in concern to situations of today that

are more technologically-centered. As this study is continued, there are other court cases that draw relationships to the past with legal ramifications that are felt just like this one. The Supreme Court Justices offer substantial opinions that are seen like the one above serving as a voice that either rebukes or reinforces the law.

Katz v. the United States

Decided in the closing weeks of 1967; *Katz v. the United States* overruled *Olmstead v. the United States*; discussed the nature of the “right to privacy” and the legal definition of a “search.” What would later be known as the Katz Standard, this court decision would shape many definitions and overrule previous decisions of the court. Hodge (2007) comments on the significance concerning the definitions that are argued to reach a decision with:

Justice Harlan recognized “there is a twofold requirement, first, that a person has exhibited an actual (subjective) expectation of privacy and, second, and that the expectation be one that society is prepared to recognize as ‘reasonable.’” In order, then, for a search to trigger Fourth Amendment protection, both subjective and objective questions of reasonableness must be answered in the affirmative. (p.101)

Because of the findings in this case, not only must a warrant be obtained before a search to fill the probable cause requirement; a level of privacy must be preserved at the same time. The only instances deemed acceptable to search without a warrant were in situations that are considered inappropriate with time in consideration. Hodge refers to examples of these instances with, “the police do not need warrants to search while in “hot pursuit,” in performing a protective sweep of a car, or to search a person incident to a lawful arrest.” (p.101) Problems exist when applying the Katz Standard to social networking sites, the courts have had a disconnection of sorts in concern

to relations between the two. Hodge comments on the Katz test, “In applying the Katz test for reasonableness, courts first look to whether a person had an actual (subjective) expectation of privacy.” (p.107) As a result of the Katz ruling, the courts have simply failed to determine the difference between what is legal to search online and if a warrant is essential to the seizure of online properties. In any case, many employers continue to search the online posting of prospective and current employees that either make the determination of a hire or impede the current employment of an individual.

Pickering v. Board of Education

In the summer of 1968, this powerful and often-referred-to case was centered on a teacher making criticizing remarks in a local newspaper concerning the local school board’s allocation of school funds between educational and athletic programs. The teacher made several statements that denigrated the image of the local superintendent and the school board for not only their decisions concerning the allocation of funding and tried to persuade locals that the tax revenues were used purely for athletics instead of schooling. The school system dismissed the teacher from employment for making remarks that were “detrimental to the efficient operation and administration of the schools of the district” and “the interests of the school require[d] [appellant's dismissal]”. The educator ultimately appealed the dismissal by claiming that he was protected under the First Amendment and the Fourteenth Amendment taking it to the Supreme Court of Illinois; which affirmed his dismissal. However, after taking the case to the Supreme Court; the Justices agreed that the teacher’s First Amendment rights were violated and reversed the decision of the Illinois Supreme Court.

This court decision evolved into the Pickering test for many cases that followed concerning government employees who felt that their First Amendment rights had been violated. Puzio (2013) comments on the importance of the Pickering Test with, “The Court adopted this balancing test to reconcile public employees’ rights to engage in free speech with the governmental employer’s right to protect their legitimate interests in performing their mission.” (p.1115) The Pickering decision was viewed as a major victory for public employees, and the test is still applied in various cases as a result.

Tinker v. Des Moines

In late 1968, *Tinker v. Des Moines* was argued and decided, which cast a pivotal role in deciding the constitutional rights of students in public schools. This case involved students and their ability to exhibit free speech while on school grounds; in this instance, the students included in the case wore black armbands in protest to the Vietnam War conflict that the United States was involved in. Upon learning of the students’ intent to wear armbands, the principal of their local school implemented policy barring them from wearing any armband on campus. Up to this point in the history of public schools, students were banned from making such protests.

Strumwasser (2013) comments on the reaction of school officials:

“Nevertheless, the students proceeded with their plan and wore black armbands to school. Their political expression was "silent, passive ... [and] unaccompanied by any disorder or disturbance on the part of the [students]." The school suspended the students and told them that they could not return to school until they removed their armbands.” (p.2)

The students who wore the armbands accepted their suspensions and continued to wear them proudly. As a result, the students’ parents filed a complaint on their behalf in the U.S. District

Court for the Southern District of Iowa. The parents disputed the constitutionality of the school authorities' action and argued that the suspensions violate the students' First Amendment freedom of speech rights. The case was dismissed by this district court, and the parents filed an appeal with the Eighth District Court, which sided with the lower district's decision.

The parents of the students remained undeterred in believing their children's constitutional rights were not recognized by school officials. The parents then petitioned the Supreme Court for certiorari, and it was accepted. Strumwasser (2013) commented on the sequence of events:

The Supreme Court balanced the students' First Amendment rights against the Court's "repeated emphasis [on] the need for affirming the comprehensive authority of the States and of school officials ... to prescribe and control conduct in the schools." The Court explained that disciplining a student for her expressive conduct is only permissible if the student's conduct is disruptive and "intrudes upon the work of the schools or the rights of other students. (p.2)

The court reasoned that the students involved, and their actions had not resulted in any school disruptions because, so few were involved with the arm bands. The fact that the protests were silent and non-disruptive played a significant role in the case. Strumwasser continues her comments with:

However, Tinker also makes clear that school authorities may discipline students when their speech "materially and substantially interferes with the requirements of appropriate discipline in the operation of the school. (p.2)

Ultimately, this case is important for a variety of factors, but the main portion of the decision was the outcome of the Tinker test which is used for court reasoning in today's cases where students and a possible violation of their constitutional rights are in question. Strumwasser (2013) stated:

Tinker also makes clear that school authorities may discipline students when their speech materially and substantially interferes with the requirements of appropriate discipline in the operation of the school." To reach the level of "material" and "substantial" disruption, school officials' concerns about students' use of speech or expression must be based on "something more than a mere desire to avoid the discomfort and unpleasantness that always accompany an unpopular viewpoint. (p.2)

The Tinker ruling has had implications in a variety of cases since its establishment, and the Tinker test is still employed today. It became a landmark case due to the amount of recognition it has received for the use of determining if a student has had their constitutional rights violated. This court ruling has a relationship with the topic of this study because of the relationship between school system officials and students, but also with school employees. A comparison of the case's details can be made with current events of teacher's online social media usage. If a teacher's online persona causes a "substantial" disturbance in a school official's opinion, the teacher could lose employment as a result.

The United States v. Miller

In 1976, this case was ruled that a person's bank records not be protected by Fourth Amendment rights. The Supreme Court determined as Hodge (2007) states, "society was not prepared to or would not recognize an expectation of privacy in either bank records or phone

numbers picked up by pen registers. The Court hinted that a person's voluntary actions could work to destroy an expectation of privacy." (p.104) Congress intervened on behalf of the public and began enacting legislation to start spelling out privacy rights definitions for clarity. This court case is included because of a perceived expectation of privacy that does not exist when discussing social media usage. If public educators use social media in any case, what is the expectation of privacy? This ruling sets a precedent that a "person's voluntary actions could work to destroy an expectation of privacy". This ruling opens the door to a public educator losing their livelihood due to anything that an employer or stakeholder deem inappropriate.

Smith v. Maryland

A case that ruled in 1976, that a person has no individual privacy in a search conducted by a "pen register." This device gave a telecommunication company the ability to register to phone numbers. The court ruled that since the defendant was aware that he dialed a number, he was willingly sharing information with a third party and, therefore, did not have a right to privacy in the event of trying to remain private. Hodge (2007) commented on the significance of this ruling concerning the Fourth Amendment, "The Court refused to recognize an expectation of privacy, stating "all telephone users realize they must 'convey' phone numbers to the telephone company" because they see a list of their long-distance calls on their monthly bills." (p.103) The importance of this case is outlined with the determination of the right to privacy which is not given if the individual willingly forfeits to the public. Therefore, as a public educator posts a picture or video that an employer could determine as inappropriate or encumbers his or her classroom; the public educator could lose employment and their certificate.

Connick v. Myers

Taking place in 1983, the Supreme Court revisited the First Amendment rights of public employees. An Assistant District Attorney decided to circulate a questionnaire that regarded the office's transfer policy, the effectiveness of supervisors, and whether the employees felt pressure to work on political campaigns. The ADA was fired from the position, and the former ADA decided to fight the dismissal. The court upheld the dismissal and effectively narrowed its 1968 decision in *Pickering*. Nidiffer (2010) comments on Connick and Myers' decision's importance with, "as applied to educators' speech on social networking sites, has left the vast majority of speech unprotected." (p.2) The Connick ruling has been used in a variety of ways since its determination when an educator decides to post something that may be deemed inappropriate by their employer. Nidiffer makes another valid point concerning Connick's significance with, "Courts have subsequently applied the requirements enumerated in Connick to educational cases, allowing "teachers [to] achieve a protected status only if [their] words are those of a detached citizen [speaking on matters of public concern] and not [of] an interested employee." (p.4) The portion of the test that confuses many concerning the Connick test is the term "public concern". Nidiffer (2010) comments on the progeny of Connick with, "in placing a greater focus on the content of the speech rather than on the *Pickering* balance; it is possible that the Connick Court may have mitigated the First Amendment rights of educators both inside and outside of the classroom." (p.4) The Connick ruling narrowed the scope of the *Pickering* test and allows for employers of public employees to have even greater power when making determinations of employees for social media usage.

Cleveland Board of Education v. Loudermill

In a case which an employee of the Cleveland Board of Education was allegedly dismissed without due process after he was hired in 1985, an individual was found to have lied

on his job application in concern to his criminal record. Loudermill had been tried and convicted of a felony in his past. The result of fabricating his job application put his employment in jeopardy and resulted in his dismissal. He was not granted due process before his dismissal of the board of education. He was found to have not received due process upon being heard by the court. Loudermill accepted damages in the wake of the case decision. The Loudermill case has been used in a variety of ways during the decision-making process by various courts to determine if due process was given to parties. In concern to social media usage, this case is continually used by defense attorneys to prove that due process was not followed when public educators are dismissed from their teaching positions.

Spanierman v. Hughes

Spanierman was an English teacher at a public high school in Connecticut who became entangled during his tenure as a public educator for posting pictures of naked men with “inappropriate comments” as subtitles. A colleague of Spanierman found and reported the MySpace profile to school officials, who placed him on administrative leave. He argued that he used his MySpace account to discuss questions about homework and classwork with students online, but school officials felt that he had posted inappropriate material on his profile.

Williamson (2013) discusses the main portion of the court’s decision with:

Although Spanierman had used his account to discuss homework with students, the court found that the MySpace communication was not required to fulfill Spanierman's job duties. Thus, Spanierman could not prove he made his statements pursuant to his official duties. (p.737)

The case included several explanations from Spanierman concerning his argument to retain employment, but the court found “no evidence to show his termination was directly, or even indirectly, related to the political view he expressed in his poem, he failed in his claim of a First Amendment violation.” The poem presented in court as seen below:

The damage is done. No Where to run.
The sand and sun aren't any fun.
They rain down all day in the fields where soldiers
Lay.
Their firearms held tightly.
Their steps fall lightly.
They watch for the enemy.
A man, woman or child they see.
He could be any of the three.
In houses they go hoping bombs won't explode.
For war of revenge that has no end.
The commander and chief much like a thief, will
steal away at the dawn of the day.
But how many will die, for America's apple pie.
A slice of history that will remain a mystery.
The freedom we value is being stolen away, from a new people each and every
day.
The soldiers then cry, watching friends die,
defending our nation, they all find salvation.
They protect the peace and continue to head East.
To a land of sand and sun, that isn't any fun and
leaves them nowhere to run.

This case resulted in not only a termination of a school's teacher employment with a district but was followed by a policy within the district that strongly advised against maintaining a profile on a social networking site. Because of this court ruling, it has been determined that an educator's speech be only protected when detached in all official, operating capacity from his/her position with a school. If there is a deemed threat online in concern to actions by the educator which have a negative impact on the environment of the classroom, the educator will lose his/her employment.

Garcetti v. Ceballos

Decided after two bouts of arguments in 2006, *Garcetti v. Ceballos* was a case that concerned First Amendment speech protections afforded to public employees. Richard Ceballos was a deputy district attorney who believed he was passed up on multiple occasions for promotion within the Los Angeles County District Attorney's Office. The firm was under the direction of Gil Garcetti in the leadership role. Williamson (2013) described details of the case as, "After looking into the alleged misrepresentations and being unconvinced of the warrant's complete accuracy, Ceballos informed his supervisors of the discrepancies and followed up his findings..." (p.733) Ceballos urged the District Attorney's office to forgo the case in question. As a result, Ceballos was, "reassigned to a different position and later denied a promotion." Ceballos filed a claim asserting that his First Amendment right to free speech had been violated. When the Supreme Court decided against Ceballos with a decision of five-to-four; their opinion held, "when public employees make statements pursuant to their official duties they are not speaking as citizens for First Amendment purposes." Puzio (2013) explains why the *Garcetti* ruling was detrimental to public employees protected free speech with, "*Garcetti* is undoubtedly the most problematic addition to the public employee free speech doctrine for public teachers because it creates a standard where employees are speaking in their capacities as public employees are not protected in their speech." (p.1116) As a result, the court had used the *Pickering* decision to develop a five-part *Pickering-Garcetti* test to "determine when constitutional protections are to be afforded to public employee speech." Williamson outlines those five parts as mentioned in the following:

1. The speech was under official job duties
2. The subject of the speech was a matter of public concern
3. The employee's interest in commenting on the issue outweighs the interest of the state as

an employer

4. The speech was a substantial or motivating factor in the alleged retaliatory action

5. And the employer would have taken the same action in the absence of the speech at issue

This test has been used in a variety of cases when discussing educators and their dealings concerning their public and online behavior. Nidiffer states that even though this case did not directly deal with education it helps, “analyzing the First Amendment rights of educators in public schools indicates a likelihood that Garcetti will continue to be applied at least to cases involving K-12 public education.” (p.6) In the wake of social networking sites being a focal point of many cases involving K-12 educators, the Pickering-Connick-Garcetti test is commonly used to determine if First Amendment rights protect the speech. With this five-part test, it is easy to dissect a great deal of the issues which may be presented to a public service employer and disseminated for a decision.

Snyder v. Millersville University

In 2008, a district court in Pennsylvania’s Eastern District determined that Stacey Snyder, who had served as a student teacher in an area public secondary school not be protected by her First Amendment rights. Snyder was a student teacher in a Pennsylvania public high school representing Millersville University in an English Language Arts classroom. During her tenure at the high school, Snyder exhibited behavior that was deemed inappropriate by her supervising teacher. Snyder ignored warnings from school officials and her supervising teacher repeatedly concerning her online postings on her MySpace page. Snyder not only posted critical remarks about the school system and her students, as well as posted a picture of herself that was titled “drunken pirate”. Williamson (2013) describes the events that led to Snyder’s case with:

During her student teaching, Snyder made reference to her MySpace page in class discussions and communicated about personal matters with the students through the social networking site." Her MySpace page included pictures Snyder had posted of herself drinking alcohol. In addition, during her student teaching period Snyder made a comment on her page referencing her dislike of a supervising teacher at the secondary school where she was completing her requirement. (p. 736)

As a result, upon learning of her online actions, Millersville University administrators decided not to grant Snyder's degree in secondary education. Snyder contended that her online comments on MySpace that were used by the school in making their decision to withhold her education degree violated her First Amendment rights. The court determined her position while she was working at the public secondary school was, "akin to that of a public employee," which is not protected by the First Amendment. Nidiffer (2010) offers another opinion on why Snyder's case did not result in her favor with, "Snyder's concession that her MySpace speech was not on a matter of public concern immediately allowed the school board to dismiss her without fear of constitutional violations." (p.8) The Pickering test, as well as the Connick test, had been used in the court's determination. Snyder ultimately did not enter the field of education, she transferred her college credit to another college and graduated with a different type of degree. This case and its result are often referred to when discussing preservice teaching preparation programs and the consequences of journalizing personal behavior with social media networking applications. This ruling has a profound impact on building the foundation of a variety of school guidelines and in many cases; direct examples pulled from Snyder's Facebook page are listed as "what not to do".

Barrow County School District v. Payne

In 2009, this case involved an employee of the Barrow County School District, who was allegedly forced to resign because of pictures and various postings on her Facebook profile page. These photos were deemed to be inappropriate by the school's administration. The school administration claimed it was responding to complaints made by parents about Ms. Payne's photographs that pictured her holding beer and wine and self-defined plans that she was, "headed out to play Crazy Bitch Bingo," at a local Atlanta, Georgia bar. Some of the other photos that were in question depicted her holding alcoholic beverages were taken in Europe on a personal trip.

According to Ms. Payne, her Facebook profile was set to private, and she had not "friended" students in her classes for them to know about the pictures or postings. She had "friended" some of the parents that were associated with children on a cheerleading team that Ms. Payne coached. Ms. Payne was counseled by her high school administration to "resign in lieu of dismissal" by signing a resignation letter that the school system authored. Ms. Payne signed the letter of resignation and the school system terminated her employment.

Several months later, Ms. Payne sued the school district alleging violations of state labor law, she subsequently lost the lawsuit but was appealing for monetary damages. Ms. Payne has since left education. Because of this case, the Barrow County School District has implemented various guidelines that try to prohibit the use of Facebook and other online social networking platforms by Barrow County School District employees. The implementation of various online training modules has been developed and deployed to teach employees the myths and facts of using social networking sites as a form of entertainment, education, and communication. The modules present facts and scenarios and employees react to questions that use the scenarios as

assessments. Several school systems have used these online modules as accountability when events lead to an educator needing disciplinary action if school officials find issues while policing activity of local educators. This is another case which many school systems in Georgia use as an example of what teachers should post and not post online through social media applications. Her pictures from the various online postings serve as a model from what teachers should not post online.

Legal Backgrounds. In today’s schools, educators’ rights are in question due to a large amount of ambiguity within the current laws of public sector employability. Legislative actions have not only been challenged in court, employers have encountered a variety of legal battles with employees and their assertions; but these decisions have been used to improve on legal tests that were developed over time to serve as guidance with future cases and as methods and mediums evolve. There are thirteen cases that have been identified to address the various subjects that are incorporated in the discussion of educators’ rights and their digital wellbeing which were reviewed and summarized in Chapter 2. The synthesis of these court decisions will help to provide informed policy improvement suggestions which will lead to school leader and teacher practice recommendations in Chapter 4.

Date	Case	Constitutional Issue	Final Court Decision in favor of
1928	Olmstead v. United States	Illegal Search and Seizure	Defendant
1967	Katz v. United States	Illegal Search and Seizure	Plaintiff
1968	Pickering v. Board of Education	Free Speech	Plaintiff
1968	Tinker v. Des Moines	Free Speech	Plaintiff

1976	United States v. Miller	Illegal Search and Seizure	Plaintiff
1976	Smith v. Maryland	Illegal Search and Seizure	Defendant
1983	Connick v. Myers	Free Speech	Plaintiff
1985	Cleveland Board of Ed. v. Loudermill	Due Process	Defendant
2005	Spanierman v. Hughes	Free Speech	Defendant
2006	Garcetti v. Ceballos	Free Speech	Plaintiff
2008	Snyder v. Millersville University	Free Speech	Granted in part and Denied in part
2009	Barrow County School District v. Payne	Free Speech	Defendant

Table 2.1 *Teachers' rights and related court cases with the constitutional issues and final court decisions*

Free Speech. Eight of the thirteen cases analyzed in Chapter 2 were concerned with free speech rights. While all the case decisions that were covered during Chapter 2 concerning free speech rights are important, there are four cases that serve as beacons to be used as legal tests. The four decisions that have been most influential in concern to the free speech rights of educators are *Pickering v. Board of Education*, *Tinker v. Des Moines*, *Connick v. Myers*, and *Garcetti v. Ceballos*. All four cases were ruled in favor of the plaintiff and all four serves as models today in the courts as a unified test.

There have been several proponents of various tests that are used to defend the free speech rights of public employees, but there has been an update to the original test, the *Pickering* test, when improvements have been identified then assessed. The *Pickering* test has undergone a

tremendous overhaul in the last few years to better serve the courts. Plaintiffs have been fortunate to have these decisions be found in their favor. The Pickering test was established after 1968 and serves as the beginning concerning the protection of public employees and their free speech rights. The Supreme Court decided that the following would be factors when balancing a case:

- Whether expression impairs teaching effectiveness
- Whether it jeopardizes relationships with supervisors/coworkers
- Whether it interferes with the management of the school

However, Puzio (2013) points out that even though the most important cases were in favor of the plaintiff, the Supreme Court has addressed the speech of a public employee with command,

The tests set forth by the Supreme Court in the following cases apply only when a public employee speaks as a private citizen as opposed to in one's capacity as a public employee. Therefore, this protection does not extend to teachers when they speak in their capacity as teachers. (p.1114)

In the case of *Pickering v. Board of Education*; the Supreme Court held that public school teachers have the right to speak as citizen on issues of public concern; the court developed a balancing test because of the ruling. Puzio (2013) describes the test as, "to reconcile public employees' rights to engage in free speech with the governmental employer's right to protect their own legitimate interests in performing their mission." (p.1115) The Pickering test has served to not only protect public education teachers, but seek to determine a definable boundary between what free speech is for public concern and/or for private concern. Many court decisions

have been directly informed by the Pickering test and it still serves as the foundational base for free speech rights for public employees.

The *Connick v. Myers* case revisited free speech rights of educators fifteen years after the Pickering decision in 1983. This decision narrowed the view of the Pickering test. Nidiffer (2010) offers her opinion on the importance of *Connick* with,

the Supreme Court set landmark precedent when it used the Pickering balancing test to analyze only speech that could be interpreted as commenting on a “matter of public concern.” Consequently, *Connick*, as applied to educators’ speech on social networking sites, has left the clear majority of speech unprotected.” (p.2)

This decision was then coupled with the Pickering test to form a test that would be referred to as the Pickering-Connick test. As a result, it narrowed the test to only consider speech of a public employee if the speech was related to public concern. Since a great deal of what an educator shares in the comments on social networking sites is “private grievances”, they are not protected in what they share. This addition to the Pickering test effectively nullifies many educators’ arguments regarding what they post online when using social networking sites. It was addressed as the Pickering-Connick test after the original test had been determined to need further addendum.

The *Garcetti* case which was decided in 2006 was added to Pickering-Connick test due to the nexus that exists between the three decisions. Twenty-three years later, the addition to the Pickering-Connick test was given another stipulation when balancing a case. However, Puzio (2013) points to the idea which the *Garcetti* case has added to the test as a challenging addendum to the test overall because it, “creates a standard where employees speaking in their capacities as

public employees are not protected in their speech.” (p.1116) The Pickering-Connick-Garcetti test is what is used by today’s Supreme Court to determine if the free speech rights of a public employee are infringed upon. Even though many critics believe that further addressing and amending of the test is needed, it is used by the U. S. Supreme Court. Strumwasser (2013) addresses the need for an evolving test with,

Because legal issues involving technology and education are complex and unprecedented, it is only a matter of time until the United States Supreme Court addresses the question of when schools can discipline students for off-campus cyber speech. Until that time, however, school administrators are in a "flex" position left wondering whether disciplining a student for content on a social media website will violate the First Amendment. This Article charts new territory and addresses the extent to which school administrators can regulate students' off-campus cyber speech. (p.2)

The application of the Garcetti decision has given school officials a greater shadow to cast when discussing if an educator’s behavior is detrimental to their career. Nidiffer (2010) explains, “The effect of Garcetti on the educational world has left courts with no certain path to follow when looking to support an educator's First Amendment rights.” (p.6) With the addition of Garcetti to the balancing test, an educator’s free speech rights are significantly constricted when making online postings that express their personal opinions.

Along with the Pickering-Connick-Garcetti test that is used in today’s courts, the Tinker v. Des Moines decision has come to aid many educators because of its progeny. The Tinker case was the first Supreme Court case to apply the concept of free speech to the public-school setting. The quote which is still used today in many cases comes from that decision with, “neither

students nor teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.” It has resonated with generations of people and the determination of what is protected within free speech.

In 1969, this case informed free student speech directly, while many believed that this applied to educators as well. It has been used subsequently in a variety of cases concerning public educators because of the balance achieved by the Supreme Court at the time. In the case of *Barrow County Schools v. Payne*, the *Tinker* test was used, but did not serve in the capacity that was needed to overturn a decision in *Payne*’s favor.

Another case that has been recently decided is that of *Lane v. Franks*. This case has helped add to the *Pickering-Connick-Garcetti* to a degree because it added another facet to a requirement when speaking of public concern against an employer. The Supreme Court decided that if an employee decides to speak under oath against an employer, that speech is protected if it addresses public concern. However, since *Franks* was given immunity prior to *Lane*’s testimony, the testimony was not considered part of his employment responsibilities; thus, free speech rights were still intact. This decision was decided in part for the plaintiff and in part for the defendant concerning what is protected and what is not.

There have been many different cases that contained social networking sites and challenge of an individual’s and group’s free speech rights. These proceedings will continue to occur if ambiguity is contained within the policy or the laws that are associated with public sector employees, including public school educators. The *Barrow v. Payne* case is one of the latest cases to contain a situation where a teacher believed that what she was posting was private, even though other people could view it, and school officials used the postings to get her to

resign. Since she submitted a letter of resignation and forfeited her right to due process, she was doing the same for her free speech rights. The Snyder versus Millersville University decision is another case where an individual was held accountable for her actions using social networking sites and it ultimately cost her career in education. She placed pictures and used words in a damning fashion against her students at a school where she was student teaching in the final semester of her collegiate career. Her supervising instructor discovered her online activity, notified the program at Millersville University and then they dismissed her as a result. She ultimately switched her major to graduate with an English degree. Millersville University's College of Education has added policy that describes in detail what a teacher shall be allowed to do using social networking sites. There have been several colleges and universities in Georgia that have developed similar policy to keep educators from losing a future career in teaching because of digitally logged behavior.

Illegal Search and Seizure. The Fourth Amendment seeks to protect citizens of the United States against illegal search and seizure of property. There is a need for probable cause to exist before any official step in and act in concern to removing any security from an individual. Stipulations exist which help shield individuals from losing their property and they are outlined in this Amendment. There have been a variety of cases put before the Supreme Court that consist of instances which illustrate how these rights have been challenged, but the Olmstead court decision is the case which holds the most importance when illustrating the rights granted to individuals against this behavior and placed alongside teachers and their social networking conduct.

The Katz v. United States decision overruled the Olmstead decision in 1967. During the determination of this court case, the nature of the "right to privacy" and the legal definition of a

“search” were formed. This Supreme Court decision was pivotal on a variety of fronts, but most importantly, the Katz Standard was developed which would shape many definitions and overrule previous decisions that had been made by the court. This case is important because it provided officials the ability to search without a warrant when the situation is considered inappropriate with time in consideration. The biggest problem when applying the Katz Standard to the digital environment of today’s world is that it has simply failed to determine the difference between what is legal to search online and if a warrant is essential to seizure of online properties. Most educators that are using social networking sites have tried claim that a suitable level of privacy is held with their information, but they continue to operate in terms that could be determined as inappropriate by their school system.

Teachers and their social networking profiles have been debated in length because of different cases in the past decade. There have been several educators who have lost their livelihood due to their online behavior, and those teachers in Georgia have never returned to the classroom. Most notably, *Barrow County Schools v. Payne*, illustrated that online social networking profiles are subject to be searched online by school officials to determine if any school system policy has been violated.

Due Process. The study of court decisions concerning due process is not as central when discussing the theme for this study as that of free speech but is important when analyzing overall because of the right violated by school officials when discussing teachers and their digital behavior. Because of the relative innovation concerning the digital services used by educators, many courts have used venerable decisions from the past in order to relate them today’s issues. The Fourteenth Amendment issued both the Equal Protection Clause and the Due Process Clause which were to be included in the rights of the people. The Equal Protection Clause ensures that

each person shall have the law exercised upon them equally as everyone else. While the Due Process Clause constrains state and local governments from depriving people of their rights to life, liberty, and property without certain steps taken to ensure fairness. The Fourth Amendment has been used in a multitude of cases in the past twenty years as individuals have sought to protect their privacy rights in the ever-growing digital world. As many people have continued to use social networking sites; many continually opt-in when having to display their personal information which many believe is forfeiting their Fourteenth Amendment rights. The Amendment has been used as a shield in many successful capacities during these cases, even though online or digital means were explicitly cited in its inception.

There is one case that was discussed in Chapter 2 that is important to this study when analyzing the subject of due process, *Cleveland Board of Education v. Loudermill*, which was decided in 1985. Once the school board in Cleveland discovered that an employee, whom had been hired recently was discovered to have fabricated information concerning his criminal history on his resume. Loudermill had been convicted in the past and thought that his hiring by a school system might not occur if he had any criminal background.

Loudermill took his case to the Supreme Court and was found to have been terminated without receiving due process and accepted damages because of the decision. This case is important when analyzing the digital rights of educators because this test is used when discussing if due process was followed in the termination due to their social networking site postings and lifelogging.

Relevant Legal History

Completing the research for this study included thirteen cases, which have been identified as covering free speech, illegal search and seizure, and due process that have served to help shape and control teacher behavior based on the experience(s) of those parties provided in those cases and the resulting court decisions that followed. These court decisions have had a direct impact on how the policies included in the document analysis have been formed and carried-out in Georgia public school districts. As ‘grey areas’ are continued to be used by administrators who use the lack of policy as a vehicle to control teachers within individual districts, educators will need to either abstain or moderate their online social networking behavior or suffer the consequences for trying to maintain the status of a public moral figure. In either case, perception of what represents these educators via online social networking is coercing educators to become different people that feel a need to protect their employment.

Other articles that shared reports of educators being reprimanded or having their employment terminated because of their digital behavior have used those legal proceedings as either a precedent to continue carrying out school district procedure or been challenged when used a test case. The relationships between the court decisions, the lack of policy and/or guidelines in many situations, and the data collected and analyzed through semi-structured interviews have provided the researcher with enough information to develop a set of recommendations for both administrators and teachers in the public K-12 setting for Georgia schools.

Defining Digital Citizenry and Social Networking Sites

The innovation of new technology is materializing more rapidly than ever and changing the nature in which we live our lives on a day to day basis. Today’s consumers no longer wait

decades for emergent technological devices or methods, but mere months for new applications or services. New devices arrive based on development and market cycles which either accelerates in adoption based on their purpose and services or become iterated in new equipment. With the advent of globalization and automated manufacturing, rapid technological growth is fostered to new levels continually. This type of digital innovation is constant, and rapid adoption of new technological devices occurs in a cycle that cannot be compared to anything from the past. New companies form overnight as others are bought and sold based on their level of technology that can either be consumed for a newer technology, or extinguished due to increased levels of competition.

In comparison to the development of technology that occurred over fifty years ago, new devices and applications are being developed on a daily or monthly basis compared to what used to be years or decades to transpire. With newer technological devices not only being designed and adopted for use, technology is now being spread across the globe as a result in the broadening of communicative mediums. In 1997, Philip Agre argued:

These shifts include the emergence of digital communications networks on a global scale; emerging technologies for protecting communications and personal identity; new digital media that support a wide range of social relationships; a generation of technologically sophisticated privacy activists; a growing body of practical experience in developing and applying data protection laws; and the rapid globalization of manufacturing, culture, and the policy process. (p.1)

This spread of communication increases the dissemination of ideas across vast scopes of society, which is something that occurs within seconds now as opposed to months or years. Individuals in the past used hand-written letters, wired service messages, or phone calls; now people use

personal computers, the Internet, and online social networking sites to have rapid, real-time interaction. As a society, our communicative needs and wants to have evolved to go from written messages to video conferencing with one another to share our ideas and thoughts. As a result, of this technology, many in society have become somewhat dependent on these services, and this has translated to dictate societal norms and expectations.

Another important factor concerning the active, broadening use of new technologies includes the fact that people from all walks of life interact with and using the devices throughout their lives. People, young and old, are immersing themselves in a technological landscape that continues to not only become more technical but more useful for everyday activities. Lily Strumwasser (2013) noted the “Social media is an integral part of modern society. People of all generations use social media as an online platform to share information and interact with known and unknown contacts.” (p. 1) Generations of people are changing how they communicate with each other because of social networking sites. People no longer leave messages on devices for later consumption, these messages are instant and coupled with videos or digital photos and can even include illustrations.

A new term to describe the relationship in education concerning technology and its use is known as digital citizenship. K. Mossberger (2015), et al define individuals as “those who use the Internet regularly and effectively”. (p.742) Digital Citizenship is a concept which assists teachers, technology leaders, and parents to understand what students/children/technology users should know to use technology appropriately. Teaching digital citizenship is a new concept that is emerging in schools of all ages due to the widespread adoption of technological frameworks now employed in schools. Teachers must continually maintain current knowledge on not only content but the transmission methods as well. Teachers must also embrace the use and strategies

associated being a responsible digital citizen. One of the strategies which teachers have employed for the last ten years is social media applications.

Many people have embraced this technology to not only display their information but serve as their digital billboard to communicate with others. This new type of communication has quickly become present in life for people as social networking sites have been integrated into many different mediums of technological devices. Social networking sites have provided a vast, digital system of linkages between people, places and things for which people find in common with one another. A good portion of ideas is shaped on a global level because of using social networking sites. With individuals making online profiles share ideas, photographs, and even songs; online interactions are becoming more commonplace with the advent of using more technology. Social networking sites have helped shape the way we not only interact with one another but spread ideas that could form new types of technology as a result. Whether personal, business-centered, or representative of various groups of organizations; social networking sites have become the evolved forum that no longer takes the physical form of people arranging in public places but has taken shape in a digital context across a network of devices.

Social networking sites as defined by dictionary.com (2014) are “a website that allows subscribers to interact, typically by requesting that others add them to their visible list of contacts, by forming or joining sub-groups based on shared interests, or publishing content so that a specified group of subscribers can access it” (para. 1). People can construct either simple or elaborate networks of their colleagues, friends, or acquaintances through this digital medium. Social networking is commonplace in today’s environment of ever-increasing technology and the ever-growing sense of connectedness between people, places, and events.

Formerly designed for communication purposes and for improving information exchange among small groups of users, social networking sites have become quickly very popular, and the number of users from a wide geographical area joined the groups and became regular clients. In general, the social networks sites provide users with a private virtual space where each one could build his public profile and manage a list of links to other users' profile (Boyd & Ellison, 2007).

Whether posting photos, commenting on their day or someone else's, or updating their whereabouts online; people are using social networking sites as a means of not only communication, but for entertainment, education, and even business-related concerns. Individuals no longer must meet physically or interact with others to communicate with this medium now available; introverts are embracing this technology as this helps them become more extroverted as a result to help them not only meet people but possibly exchange ideas and business contacts as a result. Another term describing these individuals is 'digital natives.' Scholar Jing Lei (2009) described digital natives:

A popular term that has been widely used to differentiate the younger generation from their parents and teachers. Because they have grown up with digital technology—first computers, then the Internet and other ubiquitous information and communication devices such as game consoles, cell phones, PDAs, and iPods—digital natives are considered to be more comfortable with digital technology than previous generations. Educators have pointed out that digital natives use technology differently and learn differently from their parents and teachers. (p.87)

Pen pals and colleagues from countries afar are no longer faceless to one another; they can interact with each other their online profiles and web posts. Educators have been using this technology since it was first developed. In recent years, teachers have begun using this type of

technology in and out of the classroom to strengthen student achievement. School systems have identified public social media/networks which include:

Web sites, Web logs (blogs), wikis, social networks, online forums, virtual worlds, photo/video sharing sites and any other similar social and electronic media generally available to the public or consumers and which do not fall within the District's electronic technologies network (e.g., MySpace, Facebook, Twitter, LinkedIn, Flickr, YouTube, blog sites, etc.). (Barrow County Social Networking Policy)

With a wide net cast concerning the definition of what is a social media or networks, many educators are inclined to restrain themselves from using the sites for personal use, let alone classroom instruction purposes.

Myspace is a social networking site that launched in July 2003. This SNS allowed members to make profiles that articulated their personal touches with a variety of editing tools that allowed for large amounts of self-expression. In the introduction of the SNS, users could make online profiles, exchanges messages, post pictures and video, interact with friends via a groups function, as well as modify your landing page that would serve as the profile page. It is one of the first SNS's that would allow all the features simultaneously and prompted many to share to personal information in large doses with the variety of features that were available. Since the company was sold in 2011; MySpace has suffered decline in user base and content base. In 2008, Facebook overtook MySpace in the Alexa rankings and suffered continuous loss of members as a result.

In 2004, a social networking site was introduced that changed how many people approached online interactions. Mark Zuckerberg, a student at Harvard University, along with some fellow classmates developed a site primarily for Harvard University students to interact

with online profiles which electronically displayed personal information. Over the course of the following two years, access was no longer restricted to Harvard University, and included other universities and institutions across not only the United States, but other countries as well. With the advent of Facebook; many individuals who previously did not frequently use technology adopted new mediums of communication such as cellular phones as a means of interacting with social networking sites. Strumwasser (2013) comments on a study which illustrates the number of individuals using social networking sites with,

A recent study examined the use of social networking websites and revealed that seventy-nine percent of American adults use the Internet, and fifty-nine percent of adult Internet users report that they use at least one type of social networking website.” (p.3)

People can post comments about one another, photos, or even like and dislikes for different components of their online identity. The success of Facebook has been so widely publicized that they have developed textbooks, movies, television shows; and even developed a Facebook phone for people to interact with one another as a result.

Twitter is a social networking platform that allows registered users to communicate digitally through one hundred-forty-character messages. These messages are known as “tweets”. Registered users can maintain a profile that hosts a history of all their tweets and may use photographs in their messaging as well. Unregistered users can read tweets and may not post. This social networking site has increased in its popularity due to the wide adoption of the messaging features and the ability for individuals to publish short messages. Users can communicate directly with one another or through groups of people with hashtags that allocate a certain topic for everyone to join-in to share thoughts. Many people use this social networking

platform to keep up to date with current events and share opinions on various topics, which all can be displayed as short snippets of information and communication.

Lack of Privacy

When an individual decides to use a social networking site, they must make an online profile. Because of making a profile, the user is in all actuality forfeiting personal information. From that moment, this individual must either succumb to the default policies of the social networking site or toggle a series of switches that either disable or enable the functionality of the social networking site. Hodge (2007) comments on this instance with:

By signing on to Facebook or MySpace and providing personal information for others to see, a user is, in effect, not seeking to preserve the information as private, but is instead making a choice to publicize this information for others. There is no substantial need to have a profile on Facebook or MySpace to engage in other, everyday activities and there are no institutions, which require registration and the posting of a profile on one of these Web sites. (p. 107)

It is not a necessity for people to use these sites to maintain existence, but people have gathered amongst one another to form a network with these social networking sites. Many people use these profiles as a way of keeping in touch with one another to share current news, pictures, video feeds, or opinions on current issues. Because of their popularity, corporate bodies have taken an interest in fronting their brand through social networking sites, which make them not only profitable, but offer a new stream of influence in other markets.

The burgeoning use of Facebook and other SNS's has caused a spike of cases where individuals are finding a lack of privacy. Unfortunately, laws that are intended to protect our

right to privacy are unable to keep up with the various technological advancements. Jonathan Shaw (2012) comments on:

The borderless pioneering province of social networking is outpacing privacy laws at such a rate as to render them essentially inapplicable. It has been said, that "political, social, and economic changes entail the recognition of new rights, and the common law, in its eternal youth, grows to meet the demands of society (p.150).

As courts become choked with cases that are being argued for and against individuals and their digital right to privacy, our laws cannot keep up with the technology that is being adopted. Old tests and policies are either evolving into new forms of precedents or simply not meeting the needs of our justice system. The courts must learn to evolve and for the policies that govern lower levels must increase their capacity for understanding and helping those included. There is ambiguity that exists within policy that should be informed by the creation of new policy, which should be informed by newer laws.

Social Media's Blurring of Personal and Professional Lives

Many professionals employ the use of different electronic devices to increase communication as well as keep themselves occupied for educative, entertainment or self-expressive purposes. The social interaction provided by using a cellular phone with enhanced features that allow users to complete tasks such as download pictures, complete tasks via applications, and advanced text messaging; and sometimes coupled with interactive tablets that multiply those applications may supply an even larger conduit between individual's professional and personal lives. It has become the norm to incorporate communicating technology means to form a seamless bond between public and private lives for people who use these devices. Whether an individual is making his or her commute to and from work or working at their

occupation; people are using these devices for both work-related and their own purposes for any number of reasons. People choose to adopt new devices on a greater cycle than ever before as well, opting to increase the levels of technology and services on an annual basis. The reason to update a device could be a host of several reasons, whether a better camera, more precise GPS sensor, more compatibility with a wider range of devices, etc.

The rapid evolution of technology has led to more applications and processes which are available to consumers that grant access to a larger body of information. Akiti (2002) outlines the increase in popularity of social networking sites concerning teachers who use these advancements, “engaging with fellow colleagues outside the classroom, re-connecting with old friends from college, or simply sharing private information, such as a thought or feeling” (p. 126) proving teachers’ interest in these media forms is both professional and private. How do they keep these lines from becoming blurred? Given the landscape of today's technologically-literate society, the increased level of technology that is used in and out of the workplace is a topic to consider.

As a beginning teacher, and as a burgeoning social media consumer, I noticed that my public and private life were in the process of a great merge. I had a conversation with my first employing principal who told me that I should be careful of what I post on social media. Meanwhile, I noticed that my friends who were employed in other professions could post whatever they liked. Many would share their opinions in concern to politics, religion, and current events, while I was not given the same freedoms of expression. The difference in protections between private-sector employees and public-sector employees is discussed by Fullmer (2010) with:

Private-sector employees do have some statutory protections though, such as anti-discrimination laws, whistleblower protections, and labor laws. Also, private sector employees who have been terminated due to their activities on social networking websites can file lawsuits pursuant to the federal Wiretap Act and the federal Stored Communications Act (SCA) (p.3).

Most professionals feel a level of privacy and protection at the same time as working and living while in their careers that teachers are not granted let alone appreciate. Educators must keep in mind always that their actions are subject to viewing given technological means of not just others, but themselves.

Educators have often fallen prey to restrictions placed on them by societal expectations and social norms. With the advent of more technological devices being employed in everyday life, there is a shift to using a variety of machines always. Whether a personal computer or a cellular device, technology is not only here to stay with a more prominent emphasis but will be used more frequently on and off one's job. Griffin (2012) mentions the presence of the dual standard between educators and other professionals as she explains:

As society engages in the widespread use of Social Networking Sites (SNS) that record and display indicators, such as comments or photos, of the professional conduct of our teachers, it is critical for school personnel and future teachers to consider this form of communication which is neither private nor fleeting as subject to the ethical and professional standards expected of professional educators. It is inevitable that some of this information will reflect behavior that is unbecoming to teachers and is also likely to undermine the functioning of the public employer (p.17)

Historically, teachers have been considered role models as they live where they public can see them, which attaches itself to even a bit of celebrity with its own setbacks as Darden (2009) explains, "the career selection to be a teacher means living life in the public eye. A certain celebrity attaches to be a classroom leader, and that means adhering to restraints that others might not have" (p.38). K. D. Shotwell (2010) shared that opinion and has shared related comments regarding teachers and their lack of privacy with, "In Arizona, a local news station aired a segment encouraging parents to conduct their own cyber-sleuthing to discover as much as possible about the private lives of their children's teachers" (p.38). Several states have begun pushing legislation seeking to control the behavior of educators when they are not in the classroom. And with those states that are seeking for legislation, school systems are not willing to support teachers and their behavior offsite that could affect life inside classrooms. Belch (2011) argued, "Every state has rules that govern teacher behavior outside the 'schoolhouse gate,' but the legal protection offered to teachers often fails when the teacher decides to make his or her private life public through social networking sites" (p.17). Teachers are being pushed to make the decision to either accept the responsibilities of being in the public eye or decipher their own ways to adopt a more aware behavior of how they conduct themselves in online spaces.

Numerous school systems around the nation are starting to recommend pre-service teachers to abstain from using social networking sites if they plan on becoming certified teachers or already are public school teachers. With educators being advised to refrain from using social networking sites, is this action a violation of their personal liberties? Shouldn't an educator have rights to behave in any way, shape, or form during their time away from the classroom? Puzio (2013) comments on the importance of teachers using technology with students outside of the classroom with:

Arguably, fears that teachers could abuse this new tool do not outweigh the potential educational benefits for students in communicating with their teachers. Furthermore, social networking tools are increasingly accepted as a helpful teaching tool to those teachers who have grown up with the technology. (p.1121)

The history of teaching in public education is littered with stories of individuals that have suffered many types of losses because of not possessing an adequate amount of rights. The life of an educator has essentially always dealt with the blurring of lines between personal and professional conduct. A timeline of sorts can be generated to illustrate that teachers have had a lack of protection while technology existed or hasn't. Educators have always faced odds when seeking rights that other professionals are already afforded. Shotwell (2010) comments on the history of this problem with:

Justifying encroachment on teachers' privacy rights because teachers are expected to act as role models is not only an historical problem. Even in this era of increasing recognition of individual liberty and privacy, the public continually circumscribes teachers' private conduct as new social problems manifest in public schools (p.38).

The double life teachers must live is something many have commented on, whether in support or criticism. Darden (2009) describes this everlasting duality with the sentiment, "Teachers, like it or not, are quasi-public figures. In the eyes of the community and students, they are individuals who are—or should be—beyond reproach. They have an opportunity to shape the minds, beliefs, outlooks, and lives of youngsters" (p. 38). Being somewhat of a public figure in today's ever growing technological society means certain freedoms are taken away or forfeited. Many school systems in Georgia have even gone to the length of having teachers, whether new or veteran, to complete learning modules and sign their rights away to free speech and due process if they are

found to violate local rules. States such as Georgia, Alabama, and South Carolina have educators complete these modules on a yearly basis and sign-off on their completion.

Because of several teachers' decisions regarding the appropriate use of social networking sites, several school districts have limited and/or abolished teachers' rights to use these online services. Teachers in many instances could lose their teaching positions, their teaching certificates, and potentially forfeit their state teacher retirement accounts in lieu of behavior that is seen as 'unfit of an educator'. Akiti (2012) makes a comment on the school districts' position regarding teacher behavior as having "an important interest in its employees' conduct that potentially interferes with their mission to provide, as well as maintain, a healthy environment conducive to student learning" (p. 130). Many state legislatures such as California and Missouri have been proactive in trying to protect teachers and their rights with proposed policies as Estrada (2011) points out:

Mandate privacy setting requirements for teachers' profiles should they elect to use social networking sites for personal purposes. While the proposed statute lessens the risk of some harms posed by teacher social networking, it also protects the speech and associational rights of teachers assuming these freedoms do not adversely affect students (p.2).

School administrators have been using a variety of means in handling the discipline of teachers and their online behaviors. Several school systems have developed policies that have strong guidelines that restrain many educators by advising against the use social networking sites altogether. These types of policy have influenced whole states to rethink social networking by banning it overall. Akiti (2012) describes the statute that Missouri passed concerning educators and their ability to use social networking with:

Missouri is currently the only state to prohibit social networking communication between teachers and students through a statute. On May 12, 2011, the Missouri General Assembly passed a bill prohibiting teachers from using non-work-related websites to gain "exclusive access" to current or former students who are under the age of eighteen and who have not yet graduated (p. 133).

As Missouri decided to ban teachers from using social networking sites, many critics believe this approach to be the incorrect way to handle certificated employees in a professional workplace. Some school districts have developed online learning modules that educate and evaluate their teachers based on completing them for compliance purposes.

There are school systems using internally-developed processes to deal with the behavior of their teachers; this is the result of a multitude of cases involving teachers and their behaviors outside of the classroom, illustrated below is the flow of what can be regulated in today's schools based on Bathon and Brady's (2010) research:

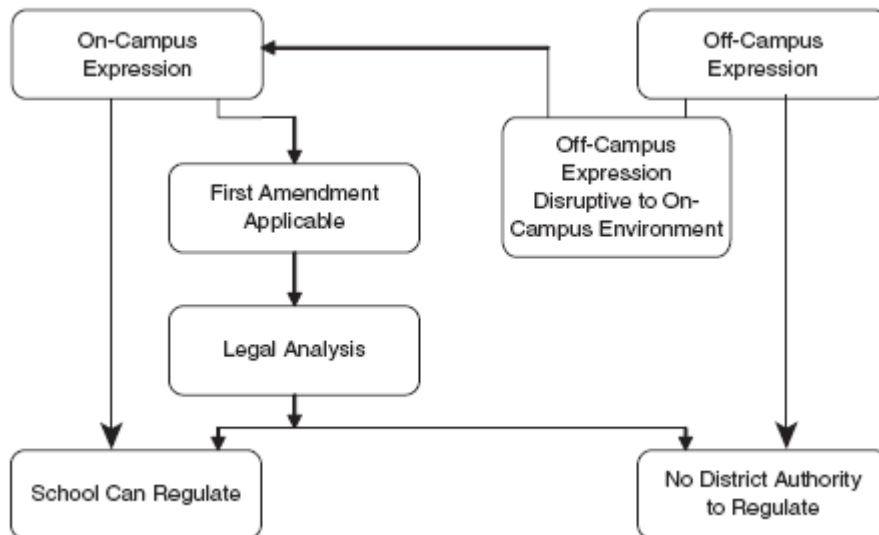


Figure 2.1

Overview of school employee express regulation by Bathon and Brady, 2010. (p.215)

With this model, school districts and administrators have complete autonomy to carry-out any course of action they see fit against teachers that they deem to be in violation of any school rules or policy. Carter (2008) comments on the in concern to school districts and their digital restrictions with:

While completely banning teachers from having social networking profiles seems downright draconian, some school districts have taken a range of disciplinary actions, including dismissal, against what they consider to be questionable uses of social networking sites by teachers (p.683).

Darden (2009) asserts the positive role that social networking casts with:

Some schools even encourage teachers to use Facebook's beneficial aspects to help students, since youngsters often communicate more openly and build personal ties online. Also, teachers bemoan that morning announcements and school-sponsored e-mail accounts pale by comparison as communication tools. (p.39)

The days of electronic mail and PowerPoint presentations seem to be ending and teachers need emerging technologies to help educate today's youth. The use of social networking sites may be a key component to harness considering what many students use daily to function in an ever-evolving digital society.

Gwinnett County Schools is one of the only counties in Georgia that has specifically outlined how an educator is to use social networking sites. Not only is the bulleted list located in the employee handbook, it is in the Student/Parent Handbook that is distributed to each child in the school system. The list featured in the 2014-2015 handbook features the following:

- Treat school-related social media as a secondary form of communication with parents and students. District-approved or district-hosted communication tools (such as e-mail and the school website) are the primary resources for communication to parents and students about school-related matters.

- Communicate with students and parents about school-related matters through district-approved or district-hosted electronic accounts and applications, such as district e-mail and the school or department website.
- Do not share information, pictures, or work examples of GCPS students unless parents have approved such use of their child’s information, images, and work examples on social network sites.
- Do not share information, pictures, or work examples of GCPS staff members on social network sites without their approval.
- Consider the information being distributed and its impact on your credibility as a staff member and your ability to perform your duties.
- Only allow “true friends” access to your personal information, and carefully consider what you post about your professional activities and environment on personal social networking sites.
- Directly connect the use of social networking to the academic purpose of the classroom when maintaining a site for teaching and learning purposes.
- Remember that staff members are expected to follow the ethical and professional standards for educators and associated procedures. If you choose to post information about your work, strive to post only information that is a positive reflection of your efforts to educate students and interact with others.

Proactive measures are needed in concern to policy which will not only help prevent

teachers from making these poor career-altering decisions during times of bad judgment; but help ensure that their individual rights need to be protected as well. Akiti (2012) argued:

Acceptable use policies are strategies that school districts can employ to accomplish the dual goals of providing notice of expected behaviors to technology users and setting forth the consequences of misuse. Under acceptable use policies, teachers are expected to comply by signing waiver agreements as part of their employment contracts. In addition, many adopted acceptable use policies state that violations to the acceptable use agreements may result in dismissal or other disciplinary actions (p. 139).

Educators are not given proper parameters to operate within and given the ability to learn before they make mistakes in many cases. Social Networking education must be a paramount discussion when discussing live in an increasingly technological environment.

Preservice Preparation in Light of Social Media

A need exists for new teachers to become aware of posting their activities before they begin their career which could have the possibility of ending it before starting the occupation. For far too long since the onset of social networking sites, pre-service teachers have behaved as if what they do during their college life has no relevance on their future career in education. Future educators need to understand that their career may begin before they take their first education course. There has been a push to educate future teachers in recent years that is championed by several colleges and universities. Teacher preparation programs need to support and begin these guidelines with practice. Georgia Southern University has been a catalyst for being proactive in this manner with their policy (2007) from their Pre-Professional Block handbook that all pre-service field teachers must agree-to, it states:

Participation in student teaching is a privilege and carries with it professional responsibilities. As a future professional educator, you are expected to maintain high standards of personal and professional ethics at all times and in all settings. Social networking sites, such as Facebook, MySpace, Xanga, and Friendster should represent your high personal and professional standards. If you have postings on any of these sites you must remember that they are public and may be viewed by school personnel and students. If school personnel find your postings to be unprofessional they can request your removal from their school. This request will be honored immediately, and a new student teaching placement will not be identified until the following semester (2007).

Georgia Southern School of Education has revised the previous statement above to include names of social media programs and applications based on the advance in technology services and devices.

When a person makes a post such as an arrangement of text, photos, video, etc. They are in process of journalizing their personal activity. The act of journalizing activities on the part of educators whether current or pre-service should be a major concern for people to understand the gravity of what their online actions may hold. Carter (2008) comments on the penalty because of teachers posting sensational, personal activity online with, "Because of the alarming possibility of life-changing consequences to teachers, professional associations have published guidelines for teachers' participation in social networking sites" (p.684). Protection of everyone is the main goal throughout the process of developing policies for social networking and teachers. There is still a lack of not only literature that concerns teacher rights and digital usage, but a lack of precedent as well in favor of teacher's having the right to be public with their digital life. If policy is put in place in concern to educators and their digital rights, it will further the longevity of many careers in the process.

Teachers as Private Citizens

A variety of events have occurred not just since the beginning of the education profession, but recently the field has come under fire from several who think that teachers should not have any privacy given the nature of who they work with on a daily and yearly basis. The body of information that is contained on the internet allows students, parents, and other stakeholders to freely obtain personal background information of educators that they interact-with or have a relationship-with. There is quite a demand in relation to teachers for legal protection regarding personal information. With a great deal of personal information made available with social networking, there is a window created that enables inappropriate relationships to begin and continue in and out of the classroom. Estrada (2010) suggested, "This requires keeping some personal information beyond the reach of students to prevent

inappropriate relationships from forming between teachers and their students" (p.1). Many educators are seeking laws that not only limit the amount of information that is published on the internet, but many are seeking amounts of time that personal information may be deleted in intervals.

Teachers have always been considered individuals that have to meet a higher standard of moral conduct given the characteristics of their positions. Teachers are people too; at least that is what most educators will argue when facing invasion of their privacy. DeMitchell (1990) comments on this idea:

It has always been the recognized duty of the teacher to conduct himself in such a way as to command the respect and good will of the community, though one result of the choice of a teacher's vocation may be to deprive him of the same freedom of action enjoyed by persons in other vocations (p.383).

There are some school districts that are monitoring their teachers' online behaviors by actively reading profiles; Bathon (2010) makes a few comments concerning this, "As a result, a growing number of school districts across the country have begun to actively search social networking sites specifically for inappropriate online messages or other forms of online content posted by teachers" (p.214). This tactic is being utilized in a variety of school districts across the United States to limit or eliminate the issue of what is deemed inappropriate for an educator to conduct himself/herself while employed. Bathon (2010) made an important statement concerning schools as employers:

Schools, as employers, retain broad regulatory rights to evaluate and dismiss teachers for conduct that is deemed detrimental to the school. And, unless a challenged teacher activity is deemed to be constitutionally protected, even in cases of challenged teacher

speech or expression where the courts deem the school capable of regulating, the school still must regulate under the district's evaluation, remediation, and dismissal policies (p.216)

However, problems arise when district and school administrators begin enforcing rules and policies that don't exist or have not been properly assessed. School administrators should be making better decisions on ways to deal with teachers who express themselves online, "with the courts largely backing school officials, they should be emboldened to work with teachers to manage their speech within this new, online communication-centered environment" (p.223). There is a litany of occasions that illustrate instances in which teachers are being wrongly disciplined for digital acts that impinge their employment rights and ultimately their careers.

The line between personal and private appears to be blurring in rapid fashion as the use of technology begins to not only become commonplace but intensifies in breadth of use. People can freely search vast sources of information while using the internet, providing the least amount of security possible. Carter (2008) comments on this type of searching with:

In today's world it is simple to "Google" someone you want to know more about.

Students may Google their teachers out of curiosity, and principals may Google prospective teachers to see online portfolios of their professional endeavors" (p.683).

This information is not going away or being locked in some type of vault but will be maintained throughout the foreseeable future given the evolving nature of technology.

Teachers are not only exhibiting their lives for everyone to see online. They are in effect, letting this behavior have an adverse effect on their teaching within the classroom. Bathon (2010) continues with his comments concerning many places illustrating the existence of boundaries between what is private and work-related mesh to become one, "school officials can

often regulate activities when teachers are functioning as employees and cannot regulate these activities when teachers are functioning as private citizens away from the geographical boundaries of the school" (p. 215). Educators have long been considered individuals that have to meet higher standards or morals and ethics, this perception is largely based in the foundation of American schooling. The beginnings of American public schools were largely based in religious values. Teachers are not normally viewed as being private citizens today because of these actions.

Privacy Safeguards

The personal life of a teacher has always been subject to intense scrutiny by those in the public who want to know as much information about their child's teacher. From common hearsay shared in public settings to investigating via online sources, parents and other stakeholders of communities have tried their best to know everything they can know about the teachers of their children. But the question concerns the teachers affected by their personal dealings outside of the classroom have any unfavorable effect on what they can do with students? For people who say that teachers cannot have criminal records, that may a point of contingency, but for teachers who drink before football games in a social setting and then post pictures online of themselves, the answer becomes muddy for some. Many teachers argue that when parents of students make statements against what a teacher does in the privacy of their home; this could alter what happens during the work day when they are working within their certificated capacity.

A digital history for public educators as seen as a massive digital billboard displayed for all to see on the Internet. Online history is essentially written in "stone" with not only the presence of what is being said or depicted but holds room for individuals to make comments on

as well. As of this study there is currently no guaranteed method to delete someone's online history effectively.

Courts have decided that if the teacher's outside of employment behavior interferes with happens in the classroom, then the teacher may be dismissed from their employment Darden (2009) argued, "The wording is important. The policy draws a nexus (or legal connection) between outside conduct and what happens in school" (pg.38). If a teacher can prove that what they do outside of the classroom has no bearing on what they do while teaching, they may maintain their position. If there is not a nexus that can be determined based on what has occurred, then the educator can be left to working and teaching as before the case was brought to light. But there are many cases when proof doesn't sway a public and their expectation of what they perceive a teacher should be doing doesn't match what they want to occur in the classroom.

Until then individuals of a community were involved in a variety of facets as DeMitchell (1990) comments with, "The control of the community over teachers prior to 1960 was pervasive. Not only was the teacher's classroom conduct and skills keenly evaluated, almost all facets of the teacher's personal conduct were scrutinized" (p.382). There were countless cases that contained rulings against educators due to 'immoral' acts that occurred outside of their working hours in those local school settings. DeMitchell (1990) as points out that, "Parents who smoked, drank, gambled, lied, and committed adultery demanded that a teacher's conduct be above their own. It was and still is believed that teachers must lead an exemplary life so as to properly mold children's virtues" (p.382).

Many people in society view teachers as individuals who must adhere to a higher level of moral and ethical code due to their involvement with minors. Since educators are viewed in this manner, the consequences of their activities in their 'private' lives are blended with that of their

'in-classroom' persona. Francis commented that under this microscope the courts have not been lenient in most cases:

Teachers, probably more than any other group of public employees, have been required to adhere strictly to the moral code of the community and to project an image of rectitude. The relaxation of many traditional restraints has not permitted public-school teachers the same freedoms enjoyed by those in other professions and occupations. (p.98)

The dividing line between what happens in an educator's personal life and their work-life is increasingly blending more each day and the frequency of punishment is escalating due to the lack of laws to protect educators. The advent of social networking and the opportunity to communicate through other electronic methods have only enhanced the number of cases for educators losing their positions with this lack of protections.

Chapter Summary

This chapter contained a review of laws and amendments which contain illustrations of points in concern to the complexities of this topic. Research of a body of laws in the United States coupled with a summary of Supreme Court Cases led the researcher to construct a brief historical account of events which guided a search for answers to the research questions. This chapter contained a review of literature that includes commentary from authors about information related to the topic and information that helps to answer some of the research questions of this study.

CHAPTER 3

METHODS

Social networking applications allow anyone at any time to make digital connections to one another and allow a level of relational depth that can provide impact. This study which uses semi-structured interviews as a method, examines ways in which public school educators engage with online social networking sites. More specifically, the researcher collected data from the Lake Side Public School District, using the interviews of employees of this system to develop a thematic analysis. These themes represent overarching concepts which examine roles of players in relation to the topic of social media and teacher rights. By interviewing multiple research participants and analyzing a variety of relationships using comparisons and contrasts, the researcher developed a multitude of determinations that will further inform the need for more guidance and policy concerning teacher rights and social media applications. Interview data that is collected by the researcher must capture the subject matter and context in a way that conveys a variety of subject matter. These interviews, as Roulston (2010) states, “are viewed as interactional and interpretive – to focus on an interview practice that develops knowledge, rather than simply conveying experience” (p.27). This type of study will provide quality feedback to create correlations of interview accounts and how they link to behaviors of educators and their online social networking interactions.

This type of study was being conducted to understand understanding to why educators continually electronically exhibit themselves with the possibility of losing employment through online social media applications. By asking educators a series of questions that are dependent on the roles that they employ while in the public sector, Josselson (2011) states the researcher will,

“endeavor to understand the themes in relation to one another as a dynamic whole.” (p.227) The themes developed for this study will be further illustrated in Chapter 4 of this study.

By interviewing educators, the researcher aimed to make understanding of the digital decisions made with social media networking and the implications of those decisions on educators and their employment. Stake (1995) discussed the importance of interviews for a study with, “Qualitative researchers take pride in discovering and portraying the multiple views of the case. The interview is the main road to multiple realities” (p.64). By analyzing those experiences against court decisions and the educator’s use of technological services, the researcher developed a framework of possible policies that could help instruct educators how to make better online decisions with social media networking applications.

The purpose of this study was to determine if public educators need some type of legal protection and/or guidelines to help them navigate the ever-evolving digital world. The primary research questions for this study are (1) What is the relevant legal history concerning offsite teacher behavior and teacher’s use of social networking sites?; (2) What is the current legal status of social networking sites usages policies for educators in the state of Georgia?; and (3) based on an analysis of the status of the law and relevant policies, what recommendations can be made for policy reformation and improved school leader and teacher practice? The researcher conducted an interview study to construct the answers to the research questions.

Semi-Structured Interview Study Research Design

Social networking applications allow anyone at any time to make digital connections to one another and allow a level of relational depth that can provide impact. This study of how online social networking sites can be investigated using case study design, which Stake (1995) describes briefly as, “a specific, a complex, functioning thing” (p.2). The researcher collected

data from the Lake Side Public School District, using the system as a case to represent others by examining roles of players in relation to the topic of social media and teacher rights. By interviewing multiple research subjects and analyzing the relationships using comparisons and contrasts, the researcher can develop a multitude of determinations that will further inform the need for more guidance and policy concerning teacher rights and social media applications. Interview data that is collected by the researcher must capture the subject matter and context in a way that conveys a variety of subject matter. These interviews will as Roulston (2010) states, “are viewed as interactional and interpretive – to focus on an interview practice that develops knowledge, rather than simply conveying experience” (p.27). This type of study will provide quality feedback to create correlations of interview accounts and how they link to behaviors of educators on their online social networking interactions.

This type of study is being conducted to develop understanding to why educators continually journalize themselves with the possibility of losing employment through online social media applications. By asking educators a series of questions that are dependent on the roles that they employ while in the public sector, Josselson states the researcher will, “endeavor to understand the themes in relation to one another as a dynamic whole” (p.227). The themes developed for this study will be further illustrated and supported with quotes from the educators who are interviewed in the Lake Side Public School District in Chapter 4 of this study.

By interviewing educators, the researcher aims to make understanding of the digital decisions made with social media networking and the implications of those decisions on educators and their employment. Stake (1995) discussed the importance of interviews for a case study with, “Qualitative researchers take pride in discovering and portraying the multiple views of the case. The interview is the main road to multiple realities” (p.64). By analyzing those

experiences against court decisions that are summarized in Chapter 2 of this study and the educator's use of technological services which is also referenced in Chapter 2, the researcher can develop a framework of possible policies that could help instruct educators how to make better online decisions with social media networking applications.

Research Setting/Context

Lake Side Public School District (a pseudonym used to protect the study participants' identities) is comprised of thirty-five schools and have approximately 27,000 students enrolled along with 1,700 teachers. Each of the high schools in the district employ approximately 80 teachers each and 3 to 4 administrators. All the high schools follow the same state certification requirements and use strategic waivers to allow the ability to hire individuals outside of the profession to seek certification in lieu or pre-service experience.

Research Sample and Data Sources

Purposeful sampling was used to determine the participation for this study. Six principals were selected from the Lake Side Public School District along with six teachers from the high schools in the district. Each principal could select a teacher of their choice to complete an interview for this study. The researcher did request that the principal select a teacher who had some knowledge of social media. The Superintendent of the school district, the Human Resource Director, and the district's Technology Director were selected for this study. A school board affiliated law firm was selected with the intention of speaking with a school board attorney. Each of the participants that were selected had used or participated in social media applications and other technological devices. Each of the high schools identified for the study employ an abundance of technological devices and applications to communicate with one another, complete projects, and/or use for entertainment purposes.

The six principals selected for this study were chosen due to large size of the faculty in their respective high school. Originally, teacher leaders from each of the six high schools were to be selected, but the researcher changed due to inequities with their technology usage both during professional hours and offsite, personal time. Teachers were selected from both academic and career-related education backgrounds.

Before being selected for an interview, the researcher did not know if each of the teachers participated or contributed to any online social networking application. When each of the teachers agreed to be interviewed, a letter of consent was issued and signed by each. All participants for the interviews are identified with a pseudonym to protect their identity and maintain their employment without any repercussions of this study.

In the past three years, there has been an increased amount of information that is shared via Twitter throughout Lake Side Public Schools. Twitter accounts are plentiful across the district and allows information ranging from dates and news to a casual look-in concerning public relations and community outreach. Lake Side Public Schools has its own Twitter account feed along with a Facebook account that is funneled information from internal schools and programs that are located within individual district schools. From sharing school happenings that include Fall Festival announcements to students interacting with school projects, these Twitter accounts offer another way for the school district to communicate with the masses of Lake Side Public Schools.

Research Methods

The data collection was completed by the researcher visiting each of the high schools and the central office of the school district to conduct the interviews. Some of the interviews were completed over the phone and recorded using a digital application that would record the

conversation, then archive the file for transcription later. All the recorded audio files were transcribed using an online, digital service that would process the audio files individually, then allow the researcher to use timestamps and correct the interview notes to correct the words that were not picked up by the software. All the audio files and all the transcriptions were saved on one computer and secured by passwords and locked via universal serial bus encoders to insure anonymity of all the interviewees. Each of the interviews formed the basis of the foundation of the data collection process. An analysis of documentation was used to supplement, support, and illustrate the interviewee's perspective of the situations and use of social media networking applications coupled with educational and societal norms.

Each of these interviews allowed for the participant to share their opinions on social networking and its applications. While each of the interviews focused on social media networking and teachers' rights, there were semi-structured side questions that were used to determine the level of technological literacy for each respondent. The central idea of digital, personal persona versus digital, professional persona was established in each interview to develop a foundation of what each person viewed as the defining line between what they participated in during and after school hours.

Most of the interviews did not have a long duration and all the interviewees answered every question that was asked by the interviewer. A set of four to five questions has been specifically developed for interviewing the teachers, principals, human resource director, superintendent, technology director, and the school board attorney. During the interview, there was a small amount of time given to each respondent to clarify thoughts to the researcher for collection. All the interviews were single in nature, there were no additional interviews with any of the participants.

The first individuals that were interviewed were the teachers of the various Lake Side Public School District. All the interviews for the teachers occurred over the phone using the digital voice recording application of the interviewer. The minimum interview time of the teachers was held at ten minutes, while the maximum reached for one of the interviews was twenty minutes. All the teachers answered semi-structured questions during the interviews with a few of the interviewees asking for clarification concerning the case law that was brought up during the conversations. Each of the teachers was given a copy of the interview transcript for checking concerning accuracy of response. A copy of the questions that were posed to the teachers is in Appendix B.

The principals were interviewed next and all participated in person for each interview at their respective school site. Each of the semi-structured interviews ranged between fifteen and twenty minutes overall and many had follow up questions asked on the interviewee's part. The interviews focused on each principal's experience with employee issues because of social media networking and the steps they took to remediate each employee's behavior or termination of their employment because of online social media networking. The interview questions are available in Appendix B.

The last group of individuals to be interviewed were central office staff and school board attorneys. The central office staff consisting of the superintendent of the school district, human resource director of the school district, and the technology director of the school district. The school board attorney is located at a law firm in one of the communities that is within driving distance of the Lake Side Public School District. The shortest of the interviews with central office staff was thirteen minutes, while the longest of the interviews was over twenty-five

minutes with the school district superintendent. A copy of the interview questions that were posed to the central office staff and the school board attorney are in Appendix B of this study.

The participants of this study are divided into three separate groups of people: central office administrators and school board attorney, school principals, and school teachers of Lake Side Public Schools. Before the study continues, this researcher has provided a small profile of each participant.

The superintendent, Bill Whitewater, was selected for this study because of his role within the school district. As a district leader, he is the one who is deemed to be the bastion of students and teachers for Lake Side Public Schools. He along with the school district board members are charged with maintaining and sustaining the school district with decisions that range from building new schools to approving hires of all employees. Mr. Whitewater is an avid technology user and is often engaged with community members through online communication.

State Level Guideline and Policy Analysis

The documents for this study were analyzed for the three qualities: production and function, consumption, and content (Prior, 2003) and should be “analysed in action” (p. 173), or within the context they were created and/or used. Documents for this study were collected over the course of several years to provide the researcher with an abundance of supporting data concerning social media applications, teacher rights, and relevant court cases that correlated with one another to have outcomes that were varied in scope and depth. All of the articles that were used as a reference for this study have been cited at the conclusion of this study. Documents that were collected that included court cases, news periodicals and other relevant studies that linked with the subject matter were used.

The researcher collected data from the top twenty and lower twenty Georgia schools in concern to their enrollment numbers and determined the following: quantity of students in the district, the setting of each district, if social media guidelines existed in the district, and if the guidelines were internally developed or represented what the GAPSC has published on its website. The researcher collected acceptable technology use policies by different Georgia school districts that made those documents available online. The researcher obtained digital copies of handbooks to locate policies or guidelines in concern to social media networking while employed as an educator, there were several that had specific locations that mentioned social media applications and acceptable use of social media. The researcher took field notes during the duration of each interview and included notes from the data collection process.

Thematic Data Analysis

The researcher employed a thematic analysis approach (Saldana, 2009) to perform an analysis of the data collected and suits as the overall framework of this study. Thematic Data Analysis was used for this study because of the increased level of flexibility that it provides the researcher. The steps of data analysis for this study included the following: initial coding, focus coding, memo writing using focused codes, core categories and theoretical coding to discover the common themes within the data (Saldana 2009). The interview data that is collected will serve to inform each of the steps above and investigate a case study that is Lake Side Public School District. The researcher finds this point to be one of the most interesting because of the exploration that will occur during the interviews of each of the players in the case study and where it will all flow as a result. Each step for data analysis are described below.

Initial Coding and Focused Coding. Charmaz (2006) argued that, “coding is more than a beginning; it shapes an analytic frame from which you build the analysis” (p.46). The

researcher started the process of creating an analysis for this study using two types of coding: initial and focused coding. In the initial stage of collecting data for this study, the researcher proceeded into each interview with an open mentality to happen upon new concepts and different determinations of data. Saldana (2009) referred to the initial stage of coding calling it, the “first impression” when reading. Each list of questions was developed for each type of interviewee and were created in consideration of the research questions for this study with the intention of identifying concepts to help answer parts of those questions.

After using a significant amount of time to examine the interviews and complete the stage of initial coding, the researcher began the process of focused coding. Charmaz (2006) describes this stage as, “using the most significant and/or frequent earlier codes to sift through large amounts of data.” (p.57) Saldana (2009) called it “decoding when we determine its appropriate code and label it, we are encoding” (p.4). Over the duration of these interviews, this step in focused coding produced a considerable of themes that allowed the researcher to make decisions that made the most sense to categorize the data. Saldana described the importance of coding, “because one of the coder’s primary goals is to find these repetitive patterns of actions and consistencies in human affairs as documented in the data” (p.5) I created a spreadsheet to make notes of my codes which led me to constructing a series of analysis that are my memos.

Memo Writing. After identifying codes that were reasoned by the researcher to hold significance to the study, the final stage is the memo writing process. Charmaz (2006) contends that memo writing is pivotal because, “it prompts you to analyze your data and codes early in the research process” (p.72). The researcher selected all the themes during the memo writing process because as Charmaz states, “memos catch your thoughts, capture the comparisons and connections you make, and crystallize questions and directions for you to pursue” (p.72). The

themes that presented themselves to the researcher included: the power of perception as it pertains to reality, social norms perpetuated through social media applications, 'grey areas' allow for more control, sex is black and white, and submission by coercion. These themes were illuminated throughout the memo writing process because the results of the coding steps. Because of the memo writing, the researcher engaged in a process of constructing and reconstructing his own personal meanings about what guided each interviewee's responses and the overall interactions as he attempted to understand constructs of the study.

Leaders

All the leaders that interviewed for this study are white men who have been employed by the system for over ten years each. All of them have worked with one another in previous systems before unifying to collaborate to run Lake Side Public Schools. Each of the leaders that were interviewed for this study had children that graduated from the school district and attended a college or university in Georgia.

The two assistant superintendents that were interviewed are the Human Resource Director and the Technology Director for Lake Side Public Schools. Dr. Spinbaum is originally from rural, South Georgia, while Dr. Cinsaur is originally from Northern Georgia. Dr. Spinbaum attended the University of Georgia for a math education bachelor's degree then the University of Alabama for his doctorate in Educational Leadership. Dr. Spinbaum began his career in public education as a varsity football and baseball coach who taught physical education and math. He spent ten years as a principal at the high school level before moving to central office staff as the human resources director.

Dr. Cinsaur is originally from the Atlanta, Georgia area. He attended private school for much of his young life. He attended Georgia Southern University for his bachelor's degree and

Nova Southeastern University for his doctorate in educational leadership. Over his tenure in public education, he has held a variety of teaching leadership positions, and worked at the administrative level in elementary, middle, and high schools. He has held the Director of Technology position for the last ten years for the Lake Side community and credits, “being surrounded by good employees”, as the reason why he has been so successful. He is transparent in concern to his love of technology and how much of an impact it makes on classroom instruction with students and teachers.

I selected six principals to speak with involving social media networking and teachers’ rights in the Lake Side Public School District. Four principals committed to interview time commitments while the other two abstained because neither felt comfortable in relation to the subject matter being discussed for this study. These principals were Mr. Clinton Cooper, Dr. Benjamin Seckler, Dr. Larry Merrimen, and Mr. Matthew Oswald. All the principals are white and male and possess advanced degrees. All the principals embrace and are active users of social media applications and all of them use Twitter accounts to communicate with parents within the Lake Side community. When discussing the study and the issues included, all four of them had relevant comments in concern to social media and educators. Two of the principals hold doctorate degrees from the University of Alabama, while the others have education specialist degrees from the University of Georgia.

Mr. Clinton Cooper attended the University of Georgia for an English education degree and earned his subsequent degrees from Lincoln Memorial University. Mr. Cooper has been in education for the last twenty-five years, with the last ten in administration. Mr. Cooper is starting a new high school within Lake Side Public Schools. He is an enthusiastic user of social media and credits much of his success with the stakeholders of his community. Mr. Cooper is

always looking for new technology to infuse to his teachers and students. The population of the new high school is high affluent with very low diversity overall and is hovering with an enrollment of less than eight hundred students total. This school contains many young teachers. Each teacher must coach at least one sport or sponsor a student organization since the school is in the foundational development stage of existence.

Dr. Larry Merrimen attended a small college in Tennessee for his undergraduate degree and earned his terminal degree from the University of Alabama in Education Administration and Policy. Dr. Merrimen has been in education for the last twenty years. He has never been a school teacher, he has only been a guidance counselor and an administrator while working in public education. Dr. Merrimen prides himself on using technology to communicate with his teachers and students and utilizes technology as a conveyance element for faculty meetings and professional development. His school contains a combination of high affluent with very low diversity amongst the student population. The school is not known for academic achievement, but for athletic accolades since its inception over fifteen years ago.

Dr. Benjamin Seckler attended Berry College for his bachelor's degree in Chemistry and then took a position with the Phillip Morris Company in Virginia. He served as a chief chemical engineer for several of their research and development organizations before making several environmentally conscious corporations. He achieved his doctorate in analytical chemistry from the University of Alabama before moving into education. He has held positions ranging from substitute teacher to program director and then ultimately a high school principal within the Lake Side Public School District within the last eight years. Dr. Seckler is always looking to inspire teachers and students to use technology for all purposes both in and out of the school setting. Dr. Seckler is known for having teachers push themselves to think outside the box when using

technology. His school is not known for academic achievement or athletic prowess, but for the largest diversity in the school district. The school was started in 1988, and little change has occurred for the community surrounding it. The population of teachers is older and seasoned regarding education experience. A quarter of the teachers have been employed there since the school opened.

Mr. Matthew Oswald attended the University of Georgia for an undergraduate degree in English. Mr. Oswald started his career in public education teaching English at the high school level. He is an experienced coach for football and wrestling at all levels and holds multiple championships in both sports. Mr. Oswald moved into administration looking for higher pay and diversified experience within the field of education. Unlike the other principals that were interviewed for this study, he took power in a school that was underperforming and has transformed into the highest achieving school in the region for the last four years. The school is known as the flagship for the system with its academic achievement and athletic pedigree. Mr. Oswald has been the high school principal of the longest tenure in the Lake Side School district, ten years. Mr. Oswald uses technology sparingly when communicating with stakeholders. He prefers to use face to face meetings and telephones instead of Twitter or Instagram.

Principal Name	Number of Years in District	Years of Experience	Gender	Race	Degree Level
Dr. Larry Merrimen	13	23	Male	White	Ed. D.
Mr. Clinton Cooper	13	20	Male	White	Ed. S.
Mr. Matthew Oswald	15	18	Male	White	Ed. S.
Dr. Benjamin Seckler	8	8	Male	White	Ph. D.

Table 3.1

Principal Information for Lake Side Public Schools

Teachers

Six teachers were selected to be interviewed from the different high schools in the Lake Side Public School District. All but one of the teachers use social media applications for personal use, while all of them use social media applications to communicate with the community at large for school related activities. The teachers selected are Mr. Reginald Bowie, Mrs. Stephanie Rouse, Mr. Timothy Rolfe, Mrs. Virginia Appleby, Mrs. Amanda Boothe, and Mr. Chester Grindy. Mr. Bowie, Mr. Rolfe, and Mrs. Rouse are career technical teachers, while the other teachers are academic subjects within their respective schools.

All the teachers that were interviewed for this study have bachelor's degrees from universities in the state of Georgia. All the teachers have advanced degrees within the education field. All of them have at least four years of teaching experience within Lake Side Public Schools. And all but two of the teachers in the study started their careers outside of the Lake Side School District. All the selected teachers have experience with social media applications and all of them have technological literacy that is respected at their respective schools. The teachers that were selected are: Mr. Reginald Bowie, Mrs. Stephanie Rouse, Mr. Timothy Rolfe, Mrs. Virginia Appleby, Mrs. Amanda Boothe, and Mr. Chester Grindy.

Mr. Reginald Bowie attended the Georgia Institute of Technology in Atlanta, Georgia for his undergraduate degree in industrial engineering and design. Mr. Bowie does not use social media for personal use, he believes that using it would get him in trouble over time. He empowers responsible students to create social media postings for his student organizations.

Mrs. Stephanie Rouse attended Gainesville State College for an undergraduate degree in marketing. Mrs. Rouse also does not use social media whatsoever. The social media that she did use at one time in her career, was initiated by a student on her behalf for professional reasons.

She thinks that technology has no place within education. She believes that using social media is a time-wasting endeavor with little to gain in general.

Mr. Timothy Rolfe attended Georgia Southern University for his undergraduate degree in general studies before attaining teaching certification through the University of North Georgia. In the last three years, Mr. Rolfe has tried to incorporate a larger number of activities that highlight the positives of social media in relation to education and technology.

Mrs. Virginia Appleby is an English teacher at a Lake Side School District high school and attended the University of Georgia for all three of her degrees. Her specialist degree is in Instructional Technology of Education; with an emphasis on literacy and design. She attended the high school that she currently is employed at and has worked there for over ten years. She devotes a great deal of time to using and enjoying social media applications. She credits her professional success to her use of social media services and applications.

Mrs. Amanda Boothe attended the University of Georgia and attained an undergraduate degree in Biology. Mrs. Boothe has been working at the high school level for the past six years. She is currently using social media both professionally and personally. Mrs. Boothe uses technology each day with her students and is constantly searching for new types of technology to convey her subject matter to her high-level students.

Mr. Chester Grindy attended Western Michigan University for an education degree for Social Sciences. Mr. Grindy has been teaching for the past twenty years, all at the high school level. He is known for his high scores for student achievement examinations. His background in teaching social sciences is diverse and accomplished. In the past ten years, he has made efforts to go one hundred percent digital with all his materials and delivery. Mr. Grindy use technology

both professionally and personally but maintains that he should use social media less as intrusive it continues to become.

Teacher Name	Number of Years in District	Years of Experience	Gender	Race	Degree Level	Department
Mr. Bowie	3	3	Male	White	M. Ed.	CTAE
Mrs. Rouse	3	3	Female	White	M. Ed.	CTAE
Mr. Rolfe	5	7	Male	White	M. Ed.	CTAE
Mrs. Appleby	12	12	Female	White	Ed. S.	ELA
Mrs. Booth	5	7	Female	White	M. Ed.	Science
Mr. Grindy	3	20	Male	White	Ed. S.	Social Studies

Table 3.2

Teacher Information for Lake Side Public Schools

School Board Attorney

The researcher made four separate attempts to interview a lawyer who represents the law firm that represents Lake Side Public Schools. Each of the four attempts were made via phone call, then followed up with thank you emails for their time but requested within the email once more. Each of the emails that the researcher used contained the consent document and a list of the questions that would be used during the interview.

Three of the four phone calls were transferred to an intern within the law firm who asked for details concerning the study and why the researcher was contacting them for comment. When the researcher elaborated on the intentions of the study and submitted to the verbal questioning, the intern took notes and said that they would get back to the researcher within a matter of hours. After waiting for two additional days, the researcher made another phone call request, the request was replied to with, “it will be \$175 per hour”, for duration of the interview, which they assured me was, “more than fair for their time”. The researcher decided not to

pursue the interview with a school board attorney any longer. Prior to the research deadline, the researcher contacted Lake Side Public School District's Human Resource department for a list of attorneys who had represented the district's interests in the past, all three were contacted and all declined to be interviewed for the researcher's study.

Subjectivity Statement

I have values and beliefs in concern to social media and technology that have a relationship with this study. It is vital that I acknowledge, "the world consists of multiple individual realities influenced by context" (Mill et al, 2006, p. 26) and epistemologically, the researcher's perspective is part of the study and cannot be removed. To maintain the reliability and validity of this study, I have included my own subjectivity statement.

The researcher grew up in a small city in Georgia with a variety of exposure to experiences that was a result of being born to a college-educated mother and father. Originally born in Louisiana, his parents moved the family to Georgia seeking greater economic prosperity as well as independence from an extended family that had just lost the patriarch. The researcher attended school out of district to be with his mother while she was housed in that occupational setting as a special needs teacher.

Being the only white child in all his elementary school classes as he developed, he was at first shunned by his peers, but later welcomed through shared opportunities for experiences both in and out of the classroom. The researcher has always maintained a fascination with technology and 'how things work' and this has been evident since he was a child.

He later attended middle and high schools that were of similar demographics. While excelling at high school, he maintained a balanced schedule of athletics and academics that ultimately earned him the opportunity to attend a small, regional college in Georgia. He studied

pre-medicine at first but made the change to technology education during his second year and found a passion for education reborn as to bring education to the masses.

Upon completing his degree, the researcher gained employment at a public middle school where he grew up but longed for a high school position. The researcher gained teaching credentials in a variety of subject matter to gain more flexibility in moving throughout the state and eventually moved to north Georgia. In his second full year as an educator, the researcher was non-renewed for reasons that were vaguely disclosed to him and he found employment at a different high school. He began using social media applications on a more intimate, continual basis after being invited to join Facebook. At that time, Facebook was an invite-only database that required current enrollment in a university/college, and an invite from a member.

Over the course of seven more school years, the researcher earned a Master of Education and immediately began working on his Educational Doctorate in Educational Leadership despite not being endorsed by his high school, he later found a school system that would. During his seven years at this high school, a surge of technology caused a variety of problems to occur in the school district where he taught. At the rival school in the district, a young teacher was forced to sign a letter of resignation that would ultimately end her career as an educator because of activities that were posted on her social media networking profiles. This event caused the researcher to become engrossed in the topic of law and technology and how those elements exist within education. From that moment, the researcher has been trying to piece together titles and career advancement goals to become an administrator. After working as a teacher in a small rural, Georgia school, he moved to a larger school district with larger schools with the hopes of great career opportunities. The researcher finished his last year as a teacher to move into another role within the high school setting. The entire career of the researcher has been devoted to

enhancing the educational experience of students with the use of technology. As technology use has increased and the depth of the technology has also increased, the researcher has integrated more technology into his daily life.

Since that time, the researcher has moved from teacher to administrator as well as marry and become a father of two male children. The researcher has had an opportunity to work alongside educators who either maintain or abstain from social media networking but provide educational experiences to children and adults who thrive with educational technology. The experiences as a new administrator has altered his view of what can happen both in and out of the classroom for both teachers and students, and the impact is significant. By recognizing one's own subjectivity and engaging in reflexivity consistently, the researcher was able to enrich the study and provide an additional degree of trustworthiness. Saldana (2009) described the subjectivity of coding, "all coding is a judgement call" since we bring "our subjectivities, our personalities, our predispositions, [and] our quirks" to the process" (p.5). The researcher hopes to provide educators and policymakers with information that will help them to make policy decisions and/or guidelines concerning social media networking and teachers' rights. It is the hope of this researcher to bring information to light with this study that will help a society of educators navigate their professional and personal digital paths.

Limitations

Study limitations include the number of participants that were available for the interviews. This study included participants from one of the largest suburban school districts in the state of Georgia, but only one representative teacher from each that was selected by a principal were included for interview. This study could have been performed in a much larger setting and had similar or completely different results by the end. I could have included more

variation in the participants that were chosen to interview. This study only contained teachers and principals who work in high schools and the central office staff from within the same county. Of the high schools in the school district, the only teachers that participated were selected by the principal of their school. The location of the participants could have been different or occur in a series of locations to directly inform a different outcome(s).

The participant candidness is another possible limitation for this study. During the interviews, I believed as the researcher, that everyone told the truth, and no one held information from me. Due to the various positions held by those included, that is difficult to know definitively. The participants who hold central office positions and essentially run the school system could have given me honest, truthful answers in concern to how they truly feel about social media networking and teacher rights, but there is no true determination of their honesty.

I was unable to interview an attorney who represents the school district. When contacted for possible appointment times and discussing the nature of the interview, I was not considered for academic purposes. I was informed that a sizeable amount of money would be needed for ‘compensation of time and efforts’. I made other attempts to contact other law firms that have represented school district employees in the past, all of them made the same comment to me concerning compensation for time.

There are other possible concerns when thinking about this study, but all the above could have impact to the data that was collected and analyzed for this study.

Summary

The researcher conducted this study to determine if public school educators need protections in concern to social media and their rights. Do public school educators need maintain a digital professional and separate from a personal persona? By interviewing a mix of

public school administrators, public school educators, and a public-school attorney; the researcher hopes to provide educators and policymakers with information that will help them make policy decisions or provide guidelines concerning digital identities of public educators both during school and personal time away from school.

CHAPTER 4

FINDINGS

This chapter presents the analysis of the legal policy regarding educator rights and their digital wellbeing as well as the analysis of the data found via the qualitative case study using the Thematic Analysis of semi-structured interviews. Using this type of interview study Charmaz (2006) contended, “Strauss and Corbin (1998) draw clear distinctions between theory and description, which they see as a person's use of words to invoke mental images of objects, events, and experiences. For them, theory is much more abstract and explanatory” (p.127). The purpose of this study was to explore if public educators need some type of legal protection and/or guidelines that can help them navigate the evolving digital world.

This chapter seeks to summarize the court cases and their correlation to Amendments that have either helped or hindered public school teachers and illustrate the current environment in public schools operate within as they progress with technological devices and applications. Interviews with school employees were transcribed and analyzed, while the researcher maintained a viewpoint, as Silverman (1993) describes, “simply true or false reports on reality...instead, we can treat such responses as displays of perspectives” (p.107). The data analysis of the interviews coupled with the court case summarizations offer a bevy of relationships that the researcher highlights within chapter 4. The findings from the analysis that is drawn will seek to find answers to the following research questions:

- 1) What is the legal history and precedence governing teacher behavior and teacher’s use of social media?

- 2) What type of social media networking policy exists at the district level and state level of public education in the state of Georgia? How are these policies implemented at all levels?
- 3) In one district, what are the leader's and teacher's perceptions of social media use?

Data Sets

While analyzing semi-structured interview data, the researcher relied on constant comparison of the data during the collection process and again during the thematic analysis phase. Data for this study included a collection of interview data that included 13 interview participants. The participants allowed between 30 minutes and one hour of discussion led by the researcher's questions. While analyzing the resulting interview data and continually comparing the raw data, codes, and subsequent themes, the researcher conducted a document analysis of the materials provided by the school system to compliment the interview data. Finally, the researcher further reviewed relevant court cases to build an understanding of the macro culture related to the area of interest within the context of the state of Georgia and the forty districts that were identified for this study.

Interviews. Thirteen semi-structured interviews were completed by the researcher for this study. Roulston (2010) describes the importance of semi-structured interviews with, "these questions are usually open-ended, and after posing each question to the research participant, the interviewer follows up with probes seeking further detail and description about what has been said" (p.15). Each interview was conducted during a block of time that held a duration between thirty minutes and one hour. The interviews were an opportunity for Lake Side Public School district employees to help the researcher "develop knowledge rather than simply conveying experience" (p.27). Each of the interviews consisted of a list of questions that are in Appendix

B. As the interviews were semi-structured, this allowed for the interviewer to draw more information from each interviewee to gain further clarity on their perspectives within the school district.

Themes. The identified themes were developed by the researcher because of the documents that were used analysis, interview data, and a record of laws and policy for public educators in the State of Georgia along with several federal statutes and/or Supreme Court decisions. Because of the triangulation of these data points, the researcher was searching for underlying truth to the research questions identified for this study.

“Perception is reality” – the power of controlling a community through social media
“Grey areas” allow more control – lack of policy allows for greater latitude
“Sex is the least grey area” – anything involving sex leads to termination
“Leaders are the filters of confluence” – submission by coercion

Table 4.1

Themes Identified by Researcher Analysis of Interviews

“*Perception is reality*”. One of the biggest eye-opening experiences of the interviews was the phrase, “Perception is reality.” When speaking of the power of perception, the superintendent of the school district, Mr. Whitewater spoke about how teachers must be a “higher moral compass” for the rest of the society that surrounds the local communities and that those educators are subject to an “awful lot of conversation that condemns, rather than supports” in cases when and where there are questions that are brought about in concern to online social media networking activities.

He spoke about the idea that keeping written policy off the table helps the administration deal with situations on a “case by case” basis and that helped them “operate more efficiently at the district level and with a certain level of autonomy to make decisions that need to be made.”

Mr. Whitewater responded with candor,

“It...it is amazing to watch over 30 years, how it used to be a six-month-old innuendo and then you’d have to start digging things up backwards and reconstructing the pieces that were fragmented in a variety of directions, now it is instantaneous.”

All three of the central office administrators used this phrasing and spoke about the need to maintain an, “image of control,” and, “management of perception.” Two of the principals commented on their role in concern to social media in their building with, “If we perceive that something is a threat, it is a threat. It must be handled swiftly, and we handle that on a case by case basis.” The researcher noted that all four of the principals mentioned in different phrasing that, “a well-constructed narrative of positivity is part of the principalship”, and the technology director supported that comment with, “this type of social media networking is an easy tool for principals to utilize for control.” When discussing the themes of the interview, the constant comparison of “perception is reality”, is brought up repeatedly. And not only does the phrase enter the interviews in a multitude of ways, teachers support the comments with their reaction to how they try to avoid the use of social media networking on a personal level.

During the interview with Mr. Whitewater, the researcher returned to the research questions for guidance and clarity. The researcher asks why there isn’t a policy or set of guidelines for educators using online social media or technology, and when pressed to clarify his

remarks about teachers and the idea that their constitutional rights being burdened or infringed upon,

“Although you have all kinds of First Amendment rights, you need to be aware of that and if you’re putting things on social media; those people are seeing that, and people question that you’re in charge of their children... you live in a different world, and that perception is reality.”

The quote above exhibits the level of what stakeholders to believe-in as reality concerning the believes of teachers who instruct children, which is the perception of how they see that teacher and then infer how he/she teaches and influences each child. That knowledge that a teacher is freely publishing online appears to much more powerful reference on the context of the quote above.

Alternate persona. When teachers for this study were interviewed by the researcher, many of them spoke about the importance of having an online profile as Mr. Rolfe commented, “bleached and devoid of any real determining information about myself”. The teachers that use(d) social media as interviewed for this study were found to think that social media is something that must be ‘scrubbed’ and ‘squeaky clean’ due to the nature of the roles and interactions with students. As a twenty-year educator, Mr. Grindy has seen quite a barrage of situations in the field of education, and social media should be treated like other trends before it in his mind. When discussing the need to construct two, separate personas to work as a school teacher, Mr. Grindy responds with,

“If you're a good teacher, you have to go and put up a facade. You end up going in for an establishment to make sure that you end up having authority in the classroom, but at the same time you're gentle enough to go and have a personal one on one contact with the kids, which in turn ends up going and acting as a fuel and catalysts to get them going and working for you. The whole idea of catching more flies with honey than vinegar is completely true, especially in teaching. And it's, again, teaching's an art, so you have to go and manipulate their museum to go and have an effective for all the different kinds of kids to work for you.”

He contends that the effective teachers of the future will know how to balance the two facades and won't worry about living the double life but embrace it. He contended that many induction-level educators that are coming from industry to enter public education or already equipped to have a social media record that doesn't have any data that would, “fill the perception gun with ammunition”. But in today's educational climate with pre-service educators entering from the university level, this just isn't the case. Many are not prepared because different colleges/universities prepare educators differently. When answering the question in concern to if guidelines are needed for helping teachers understand boundaries of their employment, he reacts with,

“When you start to have some teachers going and presenting their voice, that's all fine and dandy, but you still have your moral true fraternity. You still have anything that can cause you problems within the classroom if they can just see or read it and they can twist it against you. You can be cut off or suspended or fired or I'll put on probation by the GAPSC, so it's dangerous to load the gun for people that you know and don't know.”

Mr. Grindy speaks on the idea of “conviction by headline” when discussing a story of colleague at another school, and remembers that, “people lose creditability by wanting to be an individual, but ‘no’, you are part of something bigger than yourself, ‘shut up and take it’. He was adamant on the idea that social media issues are avoidable and that given the nature of what social media is used for these days with communication, there are other mediums to use instead.

As many of the interviews concluded, it became glaringly apparent, perception has the greatest power when maintaining order from the top of the hierarchy in leadership to control lower administration, teachers, and ultimately; the stakeholders at large. The researcher noted each of the administrator interviews discussed the power of perception when discussing how social media networking applications is applied for communicating to various community stakeholders and students of Lake Side Public School District.

“*Grey areas*”. When planning to speak with various players at the district level in Lake Side Public Schools, I researched if the district employed policy in concern to social media networking; there was nothing of note. At first, when speaking with Mr. Whitewater about social media and how he protects educators from falling prey to online social media events, he started the conversation in a vague sense, “we like to rely on common sense...and I mean to say we have very little to do with creating policy for it.” A moral grey area was alluded to at first, but then he stated many times that the thoughts of all central office administration and are unified that do not seek to influence or develop policy because,

“That area changes every day, and this new territory, it is hard to predict what will happen next, so we won’t...We generally throw out a broad net and try to look for some

best practices around the country and see what is and what isn't working for people. And quite honestly, nothing is working.”

As he elaborated his stance, his tone changed to tentative as noted by the researcher to be more protective of his perspective.

“My number one challenge is not to protect teachers but protect students... We try to remind teachers and we try to weave it into our policies that you step into a different world when you call yourself a teacher and you become responsible for 140 youngsters who are in your care every day.”

Mr. Whitewater expressed in different ways how he feels that the students are the victims when speaking in terms of what's truly at stake with teacher's making ill-informed decisions online. He tries to emphasize that social media causes him, “to watch good people implode with their bad decisions that they post.”

He continued to stress with words that he “doesn't go one week without social media issues being questioned at the district level”. So, the interviewer asks if there needs to be guidelines for teachers who use social media once more. And Mr. Whitewater responds with, “the grey area helps us be better as administrators and we make those decisions based on the facts collected on a case by case basis.” As the interview continued, a variety of other points doubled-back to emphasize the points that he made concerning the need for teachers to, “leave the social activism at the door...teachers must be deliberate in their actions at all times...etc.” At no one time did the researcher have any reason to believe that Mr. Whitewater wasn't speaking with openness. It seems that the district did not want any one policy or set of

guidelines, because that would impede the actions that each administrator could take with each case.

When the researcher mentions the need for some type of guidelines concerning social media and public educators with every single interviewee; the opinion is completely different between administrators and teachers. In fact, one administrator, the director of technology; mentions there, “no need for a district policy, and you find ever find one, the grey area enables administrators to handle each case, in their opinion, because they are the filters of confluence.” The researcher notes that when the administrator is asked to expound in concern to the comment, “filters of confluence”, his direct response is, “lack of policy allows for deeper, and varied control of the employee population.” The researcher deduces that manufacturing a reality of blurred perceptions, the administration overall can dictate exactly what the outcome will be, but given in a case by case basis, the open-ended nature is subjective.

Dr. Spinbaum as the Human Resource Director and Dr. Cinsaur as the Technology Director had a unified front and very similar answers in which each question from the interview bank was answered. Both assured me that the “acceptable use policy” is made in black and white throughout most of the trainings and dialogues that are executed with the employees whether, “you are staff, part-timers, or substitutes.” When I mentioned to both that I was speaking specifically to policy or guidelines pertaining to social media networking, both contended in their own way that the acceptable use policy for technology does an adequate level of protection for employees. I have included the document in Appendix B. Both men mentioned Compliance Director modules that included social media information. When teachers work through a series of dialogs in concern to social media, they are prompted with three questions

that are true or false, they must enter the correct response to proceed through to the end. When employees finish the module, they are prompted for their email address, and that this form and only this form serves as adequate training for all district employees no matter the role,

“Compliance Director modules offer a refresher and/or reminder as to the ethical use of social media...Each year’s kind of like the dress code, you battle something new, some new style. And so, communication changes, new forms of social media come out and we just address them individually.”

When pressed if those Compliance Director modules for social media needed any type of revision, both assistant superintendents responded with “no.” I pressed Dr. Cinsaur to address the need for some type of policy to protect educators and he reacted with, “we use those issues that involve our employees as those teachable moments... We use the whole notion of moral turpitude as our vehicle to move either in one direction or move in another direction entirely.” And when asked to clarify those ‘directions’ that he vaguely defined, he responded with, “whenever you have a policy in place, you’re going to lock yourself in, so our stance in the district is keep our minds and decisions with reflections of state law and federal law.” And when the researcher continued to ask questions about hypothetical instances that could be either considered ‘black or white’, the response from gentlemen reacted with, “I call the principal first and say, somethings going on...we look at each of them separately then figure out along with the principal, what we’re going to do to that person.” During both interviews, there was never any indication that both individuals were not being open and honest with their responses to any of the questions that were being administered.

When interviewing teachers, the ‘grey area’ comes up quite often in the natural flow of conversation. Mr. Rolfe comments on that area with, “I know it gets into a big gray area and a big fuzzy area, but I've always been the kind of person that you're going to do something that your grandmother is not going to be proud of”. This comment further illustrates the lack of guidelines and policy in concern to social media networking and what a school district considers to be something that may harm an educator’s employment.

“Sex is the least grey area”. Several of the teachers that were interviewed for this study mentioned that they had colleagues that had either been reprimanded or had their employment terminated in direct result to a sex-related social media act. When administrators speak about the topic of social media and sex; each of the administrators said in different phrasing, “sexual nature of any kind, makes the easiest decision on what to do next.” When the researcher collected interview data and compared that data with the court cases that were researched for this study, if ‘sex’ was involved as the subject matter; it led to dismissal and loss of teaching certificate. And when the topic of ‘sex’ was discussed during the interviews, each respondent made comments about how they all feared that if someone would post something on their behalf if hacked and the type of reprimand or termination of employment that would follow.

“Leaders are the filters of confluence”. Mr. Cooper made statements that were vague in nature and the researcher could sense that he was uneasy when speaking about his dealings with social media. When asked to comment on whether he had encountered any human resource issues with a teacher and social media, he did not immediately reply. When asked the question in a different way, he replied, “...because they seem disconnected when they use social media, they don't understand the gravity of a post and they're more likely to put things out there without

thinking.” As the interview continued with Mr. Cooper, the researcher brought up the social media of his high school to help ‘open’ the conversation; that started him talking in more specific terms.

He spoke about the importance of having an active social media presence when you’re a school in “today’s society”. As he elaborated, the researcher asked him about the level of control that he wields, “I have to keep control of it, but I allow others to funnel pictures and information to me to post.” When I asked him to explain what he was referring-to; he responded with, “I construct a reality through my posts that promote the school and the community that we serve. It’s my job to keep our social media positive and provide that control, it manufactures a perception.” As I made notes of his demeanor, he had moved from being tentative at the beginning of the interview to more direct and pointed when making his statements. When the researcher probed to find more information concerning his viewpoints on teachers needing guidelines concerning their personal social media personas, he reacted with, “If they do something wrong, they can’t just delete it, it stays forever, those higher moral standards follow you 24/7, and given this field; they don’t have freedom of speech.” And when asked if he policed his faculty’s online posts, “I don’t need to monitor them, they tell on each other, or someone in the community reaches out to complain; the system takes care of it.”

Out of the six teachers that were interviewed for this study, one of the six is still maintaining a personal profile on Facebook. That one person is Mrs. Boothe, a teacher, who has drastically reduced the frequency in which she participates and makes less frequently comments and ‘likes’ because of incidents she has either heard about or been relayed that information. I started my interviews with each teacher asking if they felt a need to use two different personas

when using social media. Each of the interviewees responded with, “yes”, and elaborated in a variety of ways. Amanda Boothe told the interviewer that she tries to avoid posting on social media personally these days because too many of her educator friends have either been reprimanded or fired for activities that they had posted. And with that history of her friends have their online activity serving as a reminder, she’s changed how she interacts with social media overall. Her comments included,

“I just err on the side of caution. If anything, I try not to post anything on any social media platform that is too personal because I know that it's public. I've seen that come back to bite a lot of teachers. So, I would say that there is not much of a balance. I just don't post anything personal pretty much at all.”

Mrs. Boothe went on to discuss how she used the online social networking platform of Facebook as a therapy for her anxiety, but no longer feels that space is safe given the climate that has emerged against teachers. “I feel like we’re constantly judged for everything online. It’s kind of scary, I can’t even share pictures with individual friends, because I don’t know if people will intercept something that’s private.” She goes on to discuss how her sexuality and her marriage were topics that she feared would end her career given the political landscape of the school district and how she perceives the community to overly-control the schools.

“It is just a really confusing arena. Like, it’s hard to navigate because, I want to be social and myself, but that not be viewed as socially acceptable because of the role that I play in the field that I work.”

When asked if she thought that there should be some type of guidance or policy, she was completely in agreement for the need. Mrs. Boothe mentioned the importance of this need,

“if we're going to be held accountable for the things we post, then I feel like we should take away the ambiguity. I feel like we should take that away, I would love to have something to refer to if I'm out and I want those to picture. I don't know. I don't know the guidelines. We don't have anything right now. So yeah, that would be kind of cool to look at and be like, oh, this is appropriate, this might not be appropriate.”

Mrs. Boothe feels that the social norms of the community in which she is employed has not only shaped who she is online, but how she is supposed to feel about herself. And when referring to if this type of workplace is fair, she insists that is not the case.

“I think it's unfair because sometimes it's just to pick the part and I think the administration sometimes takes it a little too far and they pick apart little things, especially when we don't know, we don't know what we can and can't post. So yeah, I feel hindered. I'm scared to post anything. I don't think that's fair.” Her online behavior has been directly impacted by coercion.

When the other teachers were asked about why they no longer use social media on a personal level, all of them replied with, “I don't want to have anything taken out of context,” or something to the effect of “I have to protect myself from being used.” The behavior of each of the teachers has been altered due a perception, and the power in that perception is magnified.

In another conversation, one of principals started to mention that a teacher posted what could be considered an inappropriate picture on Instagram; he commented on the past infraction

with, “we just had a conversation about it, I mentioned that maybe there’s another picture that this could be better suited for her teacher page.” When pressed about expounding more about the occurrence, Mr. Oswald said that he followed up with her about the picture and when she asked why he was suggesting that the picture of her web profile be changed, he stated, “I told her that I was concerned with the learning environment in her classroom, that if any of her students wanted to press the issue, it would cause disruptions in her classroom.” He described he was giving the teacher some autonomy to make a better decision, but she needed “a little more influence” to make the follow through.

Document analysis. The researcher completed an extensive amount of inquiry to locate any type of documents that exhibit policy and/or guidelines in relation to teacher conduct and online social media activity expectations. As of 2014-2015, Gwinnett County Schools was the first public Georgia school district to publish policy which outlines what is acceptable and what is unacceptable for a district employee to do with online social media.

I completed a table that contains the data from my research that is included in Appendix B. I found the FTE table provided the State of Georgia Department of Education website that housed all the enrollment numbers in public Georgia school districts as of September 2018. I reviewed the top twenty densely populated school districts and compared them with the lower twenty least dense school districts in Georgia to outline which districts had social media guidelines for employees and which did not. I found sixteen out of the forty school districts did have some type of social media policy for employees of the school district. Of those sixteen, fourteen contained over 23,000 students and were in either urban or suburban in setting and all of them used language consistent with Georgia Professional Standards policy for acceptable use of technology. Out of the top twenty largest school districts, six of the districts did not have any

mention any type of social media guideline either blatantly or hidden in the acceptable technology use guidelines.

Other documents used for analysis include the Lake Side Public School District Handbook which can be located online through the district website. When I finally located the acceptable use of electronic media for personnel policy, there was a small mention in an all-inclusive line that reads,

Teachers should always directly supervise classroom activities, including when students are communicating outside of LSPSD. Such activities might be classroom-to-classroom collaborative projects, blogs, wikis, podcasts, vodcasts, networking sites, and website-related instructional activities. When utilizing web instructional resources such as, but not limited to blogs, wikis, networking sites, all posts must be teacher moderated and when possible provide closed or invitation only access. At no time should student privacy be compromised in these communications, nor should a student's work be delivered outside of LSPSD without direct supervision of the student's teacher. Student and staff data may be transmitted periodically to educational and government entities for required business purposes, but these transmissions are managed in a secure environment to maintain student and staff confidentiality.

The researcher noted that the language used in the policy is encompassing and vague at best.

Existing Social Media Policies

As exhibited in this study, there is a need for clearly defined policies concerning what educators can do online both on and while off campus. What is present in document analysis illustrates a bland, and singular example by one Georgia school system which was difficult to locate and does not offer information for consequences if violated. And most teachers are not

able to quickly locate and determine much information based on how the information is written. There is not a defined level of severity on the part of the educator when the policy is broken. And based on the lack of training that is provided, it allows school district and local school leadership to have full autonomy when handling each situation, case by case.

Based on the research results provided by this study, there is a clear lack of protection for educators and their digital wellbeing. No support is evident when reviewing reports highlighting instances when teachers make decisions that other could determine to be detrimental to their roles within schools and while discussing through interview questions, teachers describe how judgement is often carried-out with little to any administrator guidance.

Policy Reformation Recommendations

Recommendations for the leaders. Leaders of public schools do not want an easier, more defined policy when discussing social media networking because it removes power and control and empowers school employees with a level of protection. It is the researcher's estimation that adding a concise set of guidelines that have been developed on the State Department level would be the best action to take, but the rate of innovation coupled with the speed of Judicial system make this a lofty goal at best. For activities that are unbecoming of an educator and violate ethics policies that already exist and are executed, leaders must continue to be diligent and deliberate when making judgements and delivering consequences. Providing guidelines and offering support in all cases of operating social media applications is a goal to attain when discussing the evolution of technology and how it is used in and out of the classroom for generations to come.

Recommendations of the teachers. The most impactful recommendation that the researcher can determine is to provide knowledge to prospective, current, and veteran teachers

concerning the pros and cons of using technology both in and out of professional capacities and what actions to take if challenged by an administrator who may be leveraging power to force action. The ultimate decision of whether to abstain or continue use of social networking sites is a bigger question and consideration when discussing a teacher's employment and the value that is placed on online activities, it is a personal choice.

CHAPTER 5

CONCLUSIONS

The main purpose of this study was to investigate the legal policy regarding educator rights and their digital wellbeing as well discuss the notion if a blurred line exists between a public educator's digital personal and professional persona. In an environment that is evolving because of the increased levels of technology, a career in education is no longer a job that allows for privacy physically or virtually. The research of technological devices and advancing technological services provided a foundation for this study. This issue is important to both current and prospective educators, school system officials, and state education departments.

The improved understanding of how the courts interpret free speech, due process, and illegal search and seizure will help policy makers and provide educators with of evidence to help curb their behavior when using online social networking sites. This assistance is will seek to diminish the number of educators that are disciplined because of their digital behavior and help the education field overall in the regards to an ever-evolving digital world. The results of this study will be used in providing prospective educators with vital information that serves to help them prepare for life as a licensed educator. This study is a needed resource given today's rapidly digital landscape. But there is a need that exists for educators to become more aware of emergent technological devices and other technological methods that could either used inside the classroom or be used carelessly which could hurt their career.

Interviews were conducted with administrators and teachers to define answers to questions related to the research questions of this study that would add clarity to make guidelines or producing policy that would help protect teachers from actions they make on social media. This study was designed to inform practice and policy development for local, state, and federal

levels. The intention to help shape policy at the collegiate level about pre-service educators is a goal of this study. The study of these topics will influence policy makers to interpret how the digital landscape is changing education for the positive and negative aspects with the intention of informing legislative and policy recommendations. Lastly, court decisions will continue to be produced with this topic if ambiguity continues to exist in policy; further analysis is needed to help protect the rights of educators and protect the career field as the use of technology increases. The addition of policy is aimed in protecting the free speech rights, due process rights, and illegal search and seizure rights of all public educators, as well as set definitive boundaries in what defines an educator's privacy.

This study was designed to examine the following research questions:

- 1) What is the relevant legal history concerning offsite teacher behavior and teacher's use of social networking sites?
- 2) What type of social media networking policy exists at the local school level, district level, and state level of public education in the state of Georgia? How are these policies implemented at all levels?
- 3) In one district, what are the leader's and teacher's perceptions of social media use?

Summary of the Study

By conducting research of the various laws and policies that are incorporated, this study seeks to bring clarity in understanding the laws and policies that govern this topic. Several landmark federal cases and various state cases as well as other high-profile cases pertaining to public employees and educators were analyzed for this study. Definitions of technological devices and services offer an insight in the evolving technological world that society continues to nurture. A detailed outline of various social networking sites was obtained and exhibited in

Chapter 2 to offer more insight regarding rapidly evolving technological services. A brief historical review was conducted concerning the level of privacy for public educators. A sample of policies were researched and submitted with this study to offer possible documentation needed across the state of Georgia about the various topics included in this study. In addition, sources such as The United States Constitution and other various historical documents were reviewed to gain a better understanding of the law that help determine the outcomes of cases which included the topics of free speech, due process, and illegal search and seizure rights used in this study. Finally, a historical analysis of policy concerning technology and services of technology by educators was developed to further form some of the recommendations for moving forward in a digital world.

Summary of Findings

Thirteen cases were researched and analyzed during the duration of this study concerning free speech, due process, and illegal search and seizure for public employees. Thirteen interviews were conducted for this study. Research was conducted to locate and determine to presence of human resource policies that outline specific details to employees in the event of misbehavior using online social networking sites. Out of the thirteen cases reviewed:

- 1) Eight cases involved the free speech rights of individuals, with the decision going to the defendant for three and the plaintiff winning in favor for five of them.
- 2) One case offered a decision that granted in part and denied in part concerning free speech of public service employees.
- 3) The single case that was reviewed for this study concerning due process granted the defendant the favor in decision.

- 4) Three cases involving illegal search and seizure with decision in favor of the defendant for two of three cases.
- 5) The Pickering test evolved to the Pickering-Connick test, then evolved into the Pickering-Connick-Garcetti test because of clarity being needed.
- 6) Out one hundred-seventy-one school systems, there is only one school system that has a social networking policy developed for employees. See Appendix B
- 7) Principals and central office administrators use perception to empower themselves and manage the school system through vehicles like social media.
- 8) Lack of local policy allows for deep and varied control of the employee population.
- 9) Teachers do not feel support for their personal digital personas, and as a result, a larger number are abstaining from using social media.
- 10) Gray areas of policy give educational leaders more latitude to operate and govern.

Implications

There are policies in place in very few school systems that outline online behavioral standards to educators. There is little detail mentioned in concern of the implications when educators participate on social networking sites. There have been many school systems that have amended their own human resource documentation to include policy on educators who mismanage their social networking activity. This reactionary approach is not only harming educators but causing harm to the school system's resources. Educators in today's classroom have differing degrees of technological ability. While newer teachers have been trained to understand what should be posted online and what should not be posted online; the older population of teachers do not understand the full gravity of what their actions mean when placed online for everyone to see. The idea that teachers believe that they are in full control of their

digital information and others are blocked from viewing its contents is a fallacy given the security flaws and exploits that are employed in various situations.

As levels of technology use increase in a school system; these policies governing educators and how they are to behave when using social networking sites; the need is evident to protect educators on not just a local level, but on a state and federal level. It should not be a rare occurrence given the move by society to embrace and utilize technology more and more as it becomes available. And as the sampling of policy suggests, there is need for this policy to be informed by services available and given room to be assessed and evolved as levels of technology increase. Rapid adoptions of these services and devices have opened the door for ambiguity in policy and law.

Further, research suggests technological devices continue to be developed at an exponential rate coupled with immersive, interactive services that further integrate into the professional life of educators. This growth is seen continually and carries both negative and positive uses in and out of the classroom. As students bring varying levels of technological devices, this integration will not only continue, but continually make schools increase the level of policy to govern what occurs technologically on campuses.

Conclusions and Discussion for Recommendations

The results of this study indicate that federal and state courts do not protect public schools' educators and their private online postings using social networking sites. The results indicate a different environment for educators given the current climate that exists in the field overall. As government officials looks to impose more requirements on educators as well as limit what they can say and do in the classroom; results show that these ideas will carry-over into the personal homes of educators. It is evident that most of the cases against public educators

show that ill-made decisions while using social networking sites have doomed them and their employment in an age where a digital history is difficult to erase.

The court decisions presented in this study show overwhelming evidence that exhibit an educator making a statement that is considered unbecoming of an educator; there is a penalty for their actions that usually result in loss of livelihood and/or their certificate. When an online posting includes a message in text coupled with a photo or a series of photos that are inappropriate; this magnifies the issue to mean stiffer penalties as well. There are a variety of examples that are used in this study to exhibit the fragile nature no matter how harmful their nature which impacts an educator and their rights. Livelihoods are at stake and educators and their protections are dwindling in an electronic age.

Given the climate, the evidence, and the nature of the professional field that education is currently, a need exists to build an understanding of what digital citizenry is. Proper education is needed of everyone when discussing and developing digital citizenry given the amount of technology that we employ as a society. If the current standards continue to be applied to future educators, will something they said as a teenager that was critical be held against them when they train to be a future educator? There is a digital age that will be producing generations of adults that possess a complex, public history which is digital and difficult to erase. Will there be businesses that develop whose sole purpose is to delete the online history of clients for them to enter various careers? The future search results may appear as a digital whiteboard that has histories erased for a premium cost but are presently cast in stone.

Currently, the Federal Supreme Court uses a balancing test that not forgiving of the online incidents of public educators. The Pickering-Connick-Garcetti test is currently the balance test used by the Supreme Court; many of the online postings that are made on teachers'

personal profiles pages are not protected because they do not meet the following: Whether expression impairs teaching effectiveness, whether it jeopardizes relationships with supervisors/coworkers, or whether it interferes with the management of the school. This makes all personal comments made by the educator grounds the subject for some type of penalty as a result. The protections are on the side of the employer and not the employee. Will there be another court decision that seeks to employ other standards of what a public employee is protected to say and do while social networking sites?

New social networking sites will be developed, popularized, and used by society given the amount of technology that is currently in society. Schools are not immune to these devices and services which continually pour-into the classrooms. The days of a one room school house are now evolving into technology labs that contain facilitators and ready-made curriculum guides that students have full access to always and whether on or off campus. Teachers must learn to use these advancing technologies and harness them for the advancement of their curriculum and interactions with the present-day student. Instead of school systems trying to prohibit teachers from utilizing social networking sites, embrace and support educators who use these properly and for the benefit of increasing the application of knowledge with their students.

Protection of the educators' rights is increasingly more important when discussing what and when they are not only leading their curriculum in a classroom, but when they are facilitating learning virtually. As education and life in and out of the classroom becomes increasingly more electronic, more protections will be needed and combined to their occupation to continually develop as a professional field. The views of this study show that educators and their rights have an increasing level of depth in nature and need adequate protections as a result.

The themes that were identified for this study illustrate the clear need for guidelines and/or policy to be drafted and adopted to protect educators. There must be a way from administration to operate within the policies/guidelines that comply with laws that were set a precedent, and therefore support the Constitutional rights of individuals.

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