CIVIL RIGHTS IN EDUCATION (CRE) COMMITTEE

Gilda Bloom, Chair
Cecily Myart-Cruz, Vice Chair
Erika Jones, Recorder
Larry Allen, Board Liaison
Rowena Russo, Staff Consultant
Joella Aragon, Staff Consultant
Jennifer Baker, Legislative Advocate

MAJOR POLICY - Immediate Action (2/3rd vote required)

Revise the section entitled, "Elimination of Discrimination and Bias", page 302, to read:

CTA believes in ~~the achievement of a totally integrated~~ an inclusive society and calls upon ~~Americans~~ all people and all levels of government to eliminate, by statute and practice, barriers of race, color, national origin, language (whether it is dialect, accent, and/or nonstandard/vernacular language), religion, gender, sexual orientation, self-identified or perceived gender identity, age, disability, marital status, economic status and genetic characteristics that prevent some individuals, adult or juvenile, from exercising rights enjoyed by others, including liberties decreed in common law, the Constitution, and statutes of the United States.

Rationale: Members report ongoing and continual discrimination, which may be a factor in layoffs, assignments and evaluations, etc.

MAJOR POLICY – First Reading

None

MAJOR POLICY – Second Reading

1) Add new section, "Dating Violence", under Human and Civil Rights, page 302, to read:

   CTA believes that school districts should develop a dating violence policy to address incidents of dating violence that occur at school. School districts should provide dating violence training to administrators, teachers, nurses and mental health practitioners at the middle and high school levels, and should offer age-appropriate curricula for middle and high school students.

   Rationale: Dating violence is pervasive and often unreported. This policy encourages school personnel and parents to recognize and address the problem.

2) Add new section, "Social Justice", under Human and Civil Rights, page 311, to read:

CTA believes that social justice includes, but is not limited to, political, educational, social and economic equality and equity for all persons. Participation by members in activities and organizations that promote social justice is encouraged. Social justice curricula should be offered in our schools and to our communities.

Rationale: To actualize CTA's mission to ensure human and civil rights of all students, social justice education is necessary.

OTHER ITEMS FOR IMMEDIATE ACTION

None

REFERRALS TO THE BOARD OF DIRECTORS

Request that CTA develop a training video outlining teachers' rights and their connection to social media.

MATTERS PENDING

- Mandatory anti-bullying training for administrators and school board members
- Teachers' privacy rights related to social media
- Curricular resources related to peace and international relations
- Collaboration with various committees to establish the Restorative Justice Model in school districts

INFORMATIONAL ITEMS

1. CRE took positions on the following bills:

   AB 401 (Ammiano) - Support
   AB 2617 (Blumenfield) – Support
   SB 1091 (Pavley) – Support

2. Ms. Emma Leheny, CTA Chief Counsel, presented and facilitated a discussion around social media and its effects on educators' privacy rights (see attached advisory).

3. Tony Diaz, Fair Employment and Housing Commission Liaison, reported that the Governor has appointed new commissioners. One of the new commissioners is Dale Brodsky who has worked with CTA in previous years.

The Commission held two (2) meetings in April in Los Angeles and San Francisco. The next meeting will be held on June 13 in San Francisco to discuss pregnancy and disability regulations. CTA Chief Counsel, Emma Leheny, was given pregnancy and disability regulations to review.

4. Sergio Martinez and Gilda M. Bloom, NEA Directors, informed and encouraged committee members to participate in the Educators for Obama and the NEA Fund.

5. Greg Bonaccorsi, Teacher Evaluation Workgroup member, answered questions regarding the CTA Teacher Evaluation Framework.

6. CRE held elections for officers. They are: Gilda M. Bloom, Chair; Cecily Myart-Cruz, Vice-Chair; and Erika Jones, Recorder. Congratulations!

Legal advice on using **social media**

by **Brenda Sutton-Wills**

It's as if you had three wishes. You wish that there was a way to easily reach your students once they leave your classroom for the day. You wish that your students would be more responsive and open in responding to your communications. Finally, you wish that you could reach students in their comfort zone. Facebook, Twitter and other social networking sites have potentially granted all of those wishes — especially if you are teaching students with easy access to technology.

In order to get the most out of social media, there are a few best practices and precautions to keep in mind:

> Keep a separate account for your classroom communications. While it does seem magical to suddenly be in touch with your best friend from third grade and your long-lost college roommate, you do not want your students to be privy to this part of your life.

> Along those lines, your seemingly private communications are not private. Be intentional about the privacy settings on your account. Frequently monitor your settings to restrict access to your professional page so that you have "closed" communications with your classroom. Although this is not "private," it is more professionally appropriate. Also, be prepared to respond to "friend" requests from the parents of students who visit your class page. Have a set and published policy about this, and don't make choices on the fly.

> Allowing students to post directly to your wall is like allowing them to write in Sharpie on your whiteboard when you aren't in the classroom — only worse. Students can and do post to social media sites from their cell phones. By the time you get to your page, truly permanent damage will be done. You can disable this feature through privacy settings on Facebook.

> Your social media record will last longer than those "temporary" bungalows erected in the 1970s. You cannot erase your social media record. It's possible to subpoena an archive of all your posts and all posts made to you.

> Always be aware of the unintended audience. Your separate account can still affect your career. What you post there can be published and re-posted to other sites. There is always a danger of the content being transferred out of context.

> Keep it professional. To be certain, your sense of "free speech" and privacy are not ways to gauge whether your social media content is appropriate. While, in some circumstances, off-campus speech can have more First Amendment protection than on-campus speech, courts have noted that technology has practically eliminated classroom borders. "Off campus speech can become on-campus speech with the click of a mouse," according to *Doninger v. Niehoff* (2d Cir. 2008). Courts have considered some Facebook and YouTube posts on-campus speech, with diminished First-Amendment protections. As courts develop the definition of on-campus speech as it relates to the Internet and social networking, keep in mind that your influence and accountability as a teacher extend to where students access technology. In this sense, off-campus behavior and documentation on social networking sites can be problematic.

Social networking grants a potentially efficient and agile way to communicate with students. Be certain to develop a professional protocol that includes common-sense barriers and protections in working with youth online, and social media can fulfill all of your wishes for a powerful communications tool for educators.

Brenda Sutton-Wills is a CTA staff attorney. She recently gave a presentation titled "Hearing Secrets That You Keep: Is There Any Such Thing as Electronic Privacy?" at a Los Angeles County Bar Association Labor and Employment Law Symposium. The CTA Legal Department is available to train chapters on this topic.