

Legislative Analysis



SOCIAL MEDIA POLICIES BETWEEN STUDENTS AND SCHOOL PERSONNEL

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 4791 (H-2) as reported from committee
Sponsor: Rep. Adam F. Zemke
Committee: Education
Complete to 2-18-16

Analysis available at
<http://www.legislature.mi.gov>

BRIEF SUMMARY: The bill would add a section to the Revised School Code requiring that schools adopt and implement a policy regulating social media interactions between students and school personnel no later than the beginning of the 2017-2018 school year.

FISCAL IMPACT: House Bill 4791 would have no impact on the State and a minimal, if any, impact on school districts, public school academies, and intermediate school districts. The bills could create additional administrative costs by requiring districts, public school academies, and intermediate districts to adopt and implement a policy that outlines the acceptable online, digital and social media-based communication between pupils and school personnel; however, these costs would likely be defrayed through redirection of existing staff time, especially since this will generally require a one-time use of staff time.

THE APPARENT PROBLEM:

While rapid advances in technology present ever greater opportunities for social interaction, many schools have failed to implement policies regulating the social media interactions between students and school personnel.

THE CONTENT OF THE BILL:

House Bill 4791 would amend the Revised School Code by adding a section requiring that schools adopt and implement a policy regulating social media interactions between students and school personnel no later than the beginning of the 2017-2018 school year. That policy must outline acceptable online, digital, and social media-based communication between pupils and school personnel, and must be posted on the school website.

This requirement would apply to school districts, intermediate school districts (ISDs), and public school academies (charter schools). In developing these policies, a school board or board of directors would consult with teachers and principals and notify them in writing of the policy once it is adopted and posted.

The bill encourages the Michigan Department of Education (MDE) to create and provide model policies as guidance for districts in developing their own policies. Further, the MDE is encouraged to consult local districts and other states' policies in developing these model policies, and to review and, if necessary, update the policies annually.

BACKGROUND INFORMATION:

This bill was precipitated by recent news of inappropriate relationships between students and teachers. The following story indicates that only about half of schools in metro Detroit have policies specifically governing staff-student interaction on social media.

<http://www.wxyz.com/news/monday-at-11-teachers-students-sex-social-media>

States such as New Jersey have passed legislation requiring school districts to adopt a written policy concerning electronic communications between school employees and students, which would include social media. This act was approved in 2014.

<https://legiscan.com/NJ/text/S441/2014>

Please see the following website for more information on crafting school social media policies: <https://www.edutopia.org/pdfs/edutopia-anderson-social-media-guidelines.pdf>

ARGUMENTS:

For:

Proponents of this bill argued that this legislation is necessary to require that schools establish clear boundaries for interactions between students and teachers. Different districts may set different policies, including: how late is too late to email or post a homework assignment for the next day, whether teachers should be allowed to communicate one-on-one with students or whether those interactions should take place in small groups, and requiring teachers to have separate personal and professional social media accounts.

Supporters argued further that this legislation is intentionally broad to allow each district to respond to the needs of its community, while at the same time ensuring that the rules are defined and that social media interactions are not banned altogether.

Against:

No one voted or testified against this bill, but committee members expressed concern that the H-1 version states that the social media policy would "promote" uses of social media and digital literacy. Those members worked with the bill sponsor to amend the language in the H-2 version so that the policy would instead "not prohibit" those uses.

Others voiced concern that introducing a communication policy specific to social media would wrongly differentiate this communication from any other form of communication. They stated that schools may go too far in regulating social media interactions, which could have a chilling effect by prohibiting all social media. Further, they argued that regulations on social interactions between students and teachers are already in teachers' employment contracts, rendering this legislation unnecessary.

POSITIONS:

A representative of Saline Area Schools testified in support of this bill. (2-4-16)

The Berrien County Regional Education Service Agency supports the bill. (2-4-16)

The Michigan Association of School Boards supports the bill. (2-18-16)

The Wayne County Regional Educational Service Agency supports the bill. (2-18-16)

A representative of the Masters in Educational Technology at Michigan State University testified and indicated neutrality on the bill. (2-4-16)

Legislative Analyst: Jennifer McInerney
Fiscal Analyst: Bethany Wicksall
Samuel Christensen

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.