

# **Social Media**

Kenai Peninsula School Board

February 3, 2020



Roundtables	Living in a Material World	I Tweet, You Tweet, we all Tweet	Have you had your shots?	POTPOURRI
<u>\$100</u>	<u>\$100</u>	<u>\$100</u>	<u>\$100</u>	<u>\$100</u>
<u>\$200</u>	<u>\$200</u>	<u>\$200</u>	<u>\$200</u>	<u>\$200</u>
<u>\$400</u>	<u>\$400</u>	<u>\$400</u>	<u>\$400</u>	<u>\$400</u>
<u>\$800</u>	<u>\$800</u>	<u>\$800</u>	<u>\$800</u>	<u>\$800</u>
<u>\$1,000</u>	<u>\$1,000</u>	<u>\$1,000</u>	<u>\$1,000</u>	<u>\$1,000</u>



**It is not a violation of the Open Meetings Act if I talk to each of the people seated next to me to get their opinions or to see how they are going to vote before I decide how I will vote on the issue?**

**TRUE OR FALSE**



Two of us are at a restaurant having lunch when another Board member arrives and asks to join us. Because that would only make three of us, it is not a violation of the Open Meetings Act.

TRUE OR FALSE



There's a great debate about the advantages and disadvantages of eating green tomatoes put together by the National Tomato Association, a non-profit organization from Florida. Because it is not a Kenai Peninsula Borough School Board function, there is no need to publish the meeting if we know ahead of time that all of the School Board members are going to attend.

TRUE OR FALSE



It is okay to prohibit members of the public from videotaping our meetings and posting them on their private webpages or social media pages.

TRUE OR FALSE

Especially when they only post portions of the meeting and try to make us look ridiculous!

TRUE OR FALSE



**An Executive Session to discuss legal matters with our attorney is only allowed when there is an actual pending lawsuit?**

**TRUE OR FALSE**



The school logo can be used  
by all Board Members at any  
time on their social media,  
emails, texts, letters, etc.



What I say and who I  
communicate with on  
my personal email is  
not subject to public  
disclosure



# DOUBLE JEOPARDY

A member of the public saw me and a colleague texting during the meeting. Because we weren't texting each other, she cannot get our texts via a public request for information.



**David Letterman is thinking of starting his show again and he invited me to be a guest. The main topic will be the new policy which I just proposed the Board adopt. This would be a great opportunity to make this important change not just locally, but nationally. Do I need to bring this to the Board? If I wait I will miss the deadline for the show and won't get my free trip to New York!**



I spend so much time at work that  
sometimes I have to respond to Board  
business from my work email. That email is  
on a secure server which I have no control  
over. I do limited Board business and  
never email more than one Board member  
at a time. These are protected from public  
records requests right?



I love Facebook, Twitter, Instagram and everything in between. What a great way to keep the public informed of what is happening in the District. It's okay to post notices of meetings and updates about what happened during Board meetings.



There is no harm in creating  
Facebook or Twitter accounts  
showing that I am a Board  
Member for the School District  
and using those to let the public  
know what is happening in the  
District I represent.



All of the Board members really liked the summary I just made on my private Facebook page about last night's meeting. I know because they all "Liked" my post.

Is there any harm or violation here?



I hate social media! I wish my daughter-in-law would just forward me pictures of my grandchildren but NO, I had to open up a Facebook account just to see those little darlings and how fast they are growing. I have friended my fellow Board members but that is because most of them really are friends. We don't really discuss Board business but once in a while I'll chat via Facebook with Jan, the Board member who sits next to me during Board meetings about upcoming meetings. I find her to be a good listener and when I'm confused about an upcoming topic she and I can usually talk it out via chat late at night before the meeting. It makes me feel more prepared for the meeting.

Is this person's social media subject to a public disclosure request?



# DOUBLE JEOPARDY

I have a separate Facebook account which I use only for my Board business. Lately the discussion on there has been about a very controversial proposed expansion to a local school building. All I do is post notices of the upcoming Board meetings and later post updates of Board Actions or pending actions. However, the comments from the public are really heating up. There has been one person in particular who is very opinionated and has taken to really trashing me in the comments and being rude to the other commentators so I unfriended him from the account.

Is there any problem with this?



# Qualified Immunity 101

Which of these are examples of the goals of Qualified Immunity?

1. To deter public officials from abusing their power
2. To ensure public officials can say anything they want during an Assembly or Board meeting without fear of a lawsuit
3. To provide for people whose constitutional rights have been violated by 1 or more public officials
4. To ensure public officials such as School Boards who advise school superintendents to perform certain acts in furtherance of a Board Member's political promises are free from persecution in the courts
5. To protect public officials from slanderous or prejudicial statements made against them while they are sitting in official meetings.
6. To protect officials from being unduly burdened by the threat of potential litigation as they carry out their official duties.



Qualified Immunity for  
government officials is a  
Constitutional Protection

TRUE OR FALSE



## Which of these is likely protected by Qualified Immunity?

- ❖ Public debate of the Board
- ❖ A vote by a Board member
- ❖ Proposed policies
- ❖ Unfriending someone from a Facebook Page
- ❖ Demanding a person leave the meeting because they disagree with your opinion
- ❖ Denying a Satanist the right to hold a prayer service at the beginning of the Board meeting invoking all things evil
- ❖ Voting to build a playground and 1 week later a child falls off the slide and is killed – upon inspection, the slide was defective and the builder was known to have a history of installing defective slides.
- ❖ Voting to mandate sex education in the classroom that only teaches abstinence and does not allow teachers to instruct or discuss birth control



## Qualified Immunity Applies to:

- A. Discretionary Actions of public officials acting both privately and publicly
- B. Negligence in executing a governmental act where imminent injury was not reasonably foreseeable
- C. Willful, malicious misconduct by Board members
- D. Discretionary actions of public officials acting in their official capacity
- E. Negligence in performing a board action that has no discretion – the law, policy or ordinance is absolute on what must occur
- F. Reckless actions by a Board member regarding the rights or safety of others



Qualified Immunity applies to:

DISCRETIONARY ACTS THAT ARE:

PLANNING FUNCTIONS

OR

OPERATIONAL FUNCTIONS



PICK THE CORRECT ANSWER(S):

Hitting “Reply All” to an email sent by the Superintendent is:

1. Not a problem
2. The most efficient way to conduct business
3. A huge time saver
4. A way to keep everyone in the loop on the conversation
5. A potential violation of the Open Meetings Act
6. All of the above
7. None of the above



During the public comments portion of our meeting, one person spoke about a new teaching method that sounds absolutely fascinating. I make a motion to add it to the Agenda as our next order of business so we can really talk about this. Since the motion was seconded, and the Board members approved, there is no Open Meetings Act Violation.

True or False



Every meeting during the Public Testimony portion, this one woman comes in with a list of questions for the Board. Her entire 5 minutes is filled with questions. She is very clear that if we do not answer her, the response will be considered a refusal and she will sue us. I don't want to get the Board in trouble, must I be pressured into answering all these questions at each Board meeting? It's making me very uncomfortable.



My son/daughter is a teacher at the school. The Collective Bargaining Agreement (CBA) is up for Board approval. The Board did not negotiate the CBA and approving or disapproving it will affect everyone, not just my son or daughter.

Is there a conflict of interest? If so, should that Board member recuse him/herself from voting on the CBA?



After retiring as a school teacher, I found that I needed to do something to keep my mind occupied so I took a part-time job as a reader at Book World. I just love that job. Surprisingly, six other board members work there too but we don't all work at the same location and those of us that do don't always have overlapping schedules. When reviewing the upcoming Agenda for this week's Board meeting, I noticed that we will be reviewing a contract for Book World to provide all of the textbooks for the school district. Since I am currently employed by Book World and definitely get income from them, I should recuse myself from voting on the contract right?



# Wrap-Up

If you have any questions about any of the material covered here or if I have failed to cover an area of interest to you, please contact me.

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